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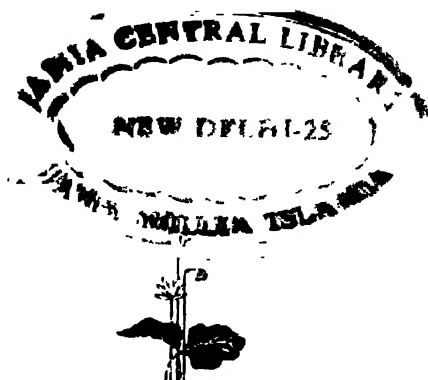
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# Writings and Speeches

OF

Rai Sahib D. Laxminarayan.

5/95



*Syed Akbar Bilgrami.*

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## INTRODUCTION.

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A volume of reprints of the letters which I sent the Press from time to time is issued in a collected form herewith in the hope that perhaps they may be of some use to a student of C. P. Land Revenue and other questions.

The campaign for elections to the Local Council is in full swing just now and I am one of the candidates on behalf of Nagpur and Rantek Tahasils. These few pages may perhaps serve as a reminder to the voter that I have kept myself well acquainted with such public questions as have cropped up for discussion from time to time.

KAMPTEE.  
1st August 1920. )

D. LAKMINARAYAN.



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# The Question of Land Settlement in India.

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[The following speech was made by Rao Sahib D. Laxminaraya M. R. A. S., F. R. S. A., of Kamptee, C. P. at the 30th Session of the Congress held at Bombay, in 1913.]

*This Congress is strongly of opinion that a reasonable and definite limit should be put to the demand of the State on land and that the permanent settlement should be introduced in all areas, Ryotwari or Zemindary, where that settlement is not in force, creating fixity of tenure for occupants wherever possible, and that if the Government does not see its way to the introduction of such settlement, a settlement for a period of not less than 60 years should be introduced.*

*The Congress is further of opinion that effect should be given to the recommendation of the Royal Commission on Decentralization that the general principles of land revenue assessments should be embodied in Provincial legislation and that such legislation should state specifically the limit of enhancement of assessment, if any.*

In supporting the above resolution adopted at the 30th session of the Indian National Congress, Rao Sahib D. Laxminarayan said :—

MR. PRESIDENT, BROTHER DELEGATES, LADIES AND GENTLEMEN,

The shortness of time allotted to each speaker leads me to hurry on at once to the subject committed to my charge.

We have it on the unimpeachable authority of one of the greatest Englishmen of the nineteenth century that, 'if there is found a country possessing a most fertile soil, natural advantages and thrifty and industrial population, and if yet the people are found to be poor and suffering from want and destitution, there is some fundamental error in the system of administration prevailing in [that country.]' This remarkable observation of John Bright exactly applies to our country. One of our late Finance Ministers, Sir James Westland, declared in what may be styled the confessions of a Finance Minister, that "the margin between prosperity and adversity in India was very narrow indeed."

Ladies and gentlemen, universal poverty being admitted what are the remedies for it? Sir James Caird, one of the greatest authorities on Indian questions, observed :-- "I believe it possible to obtain such a gradual increase of production in India as would meet the present rate of population for a considerable time. One bushel of increase gained gradually in a period of ten years, in addition to a moderate reclamation of cultivable land, would meet the demand of the present growth of population. This is undoubtedly one of the best remedies that can be effected. But, brother delegates, the best solution of this problem is undoubtedly a moderation of those ruinously large land revenue assessments from which the people of Central Provinces and the United Provinces, the people of Bombay and Madras, in fact the people of all those parts the country where the permanent settlement does not obtain are grievously suffering. The resolution, on this subject, of Lord Canning, the despatch of the Secretary of State on that resolution and the resolution of Lord Ripon recommending a modified form of permanent settlement have been so often repeated from this platform and are so well known to you, brother

delegates, that I shall not waste your precious time by quoting them again. But those wise words of far-sighted statesmanship fell flat on the ears of Government, and they have remained unheeded till this day to the misfortune of the three hundred and thirty millions inhabiting this vast empire.

Ladies and gentlemen, the question of all the questions that affects the agricultural masses is thus the question of the land revenue policy. The land revenue problem is a question not only of the microscopic minority of the educated classes, but it is a question of life and death of the masses. In fact, it is *the* problem of India.

The new land revenue policy is destructive to the people and suicidal to the Government. It is destructive to the people, because (1) people are crushed down under heavy assessment; (2) famines have become frequent and constant; (3) people who belonged to the middle classes 50 years ago have now become beggars and those who were then beggars are swept away by famine; (4) famine is no doubt the work of Providence, but the lack of staying power is the work of heavy assessment. There is no reason why a single failure of the crops should cause famine in India whereas England can be and can remain wealthy and prosperous without producing any crop or food grain. These things clearly prove that the poverty in India is a settled fact and has become a pucca swadeshi in this land. Let us therefore try to boycott it first and make it an unsettled fact. The cause of this evil, to my mind, is the change in the land revenue policy and the ideas and opinions of subsequent administrators.

I will now confine my remarks to the Central Provinces alone. Sir Charles Elliot who was the first Chief Commissioner of the Central Provinces, recommended to the Supreme Government the application of the half assets Shaharanpur rule and also of permanent settlement in those districts of Central Provinces in which the cultivable

area would amount to  $\frac{1}{4}$ th of the Malguzari area, but in 1857, this policy was changed. The inevitable results of the short term of settlements are that there is no inducement for the people to invest their capital or put forth their strength for improvement of their lands. The disastrous effect of the heavy assessments is that the tenants are often hopelessly left in arrears of rent and the landlord is obliged to pay up the land revenue regularly on days fixed. To do so, he has to (1) postpone the marriage of his grown-up daughters; (2) neglect even the primary education of his children; (3) mortgage his estate; (4) sell his ornaments, even plough cattle, (5) last, but not the least, in the list of his miseries, to go to jail not for his own fault, but for the default of his tenants. "We were convinced that the policy of Lord Canning was to give the cultivator as much as possible and take from him as little as possible. We also learned another lesson and that was that the policy of Lord Curzon was to allow the cultivator as little as possible and take from him as much as possible; to talk of his welfare as much as possible and do for him as little as possible." I appeal to every student of logic to decide whether the government is right or wrong in denying the permanent settlement as a famine preventive measure and whether the remedy suggested by rent laws is mere quackery or not.

India being essentially an agricultural country, the question relating to the principles, the methods and the working results of the land revenue administration, is one of the most important questions in the whole range of Indian economics. Nothing has tended more in the past, and nothing leads more in the present, to the depression of agricultural industry in this country than the vacillating policy of the Government in fixing and revising the assessments and the numerous cesses on land and the unsettling and demoralising action of the settlement department whose motto is *enhancement at any cost*. In the sixties we were promised permanent settlement, but that promise remains unfulfilled to this date.

The least that Government can do under the circumstances is to grant the demands asked for in this resolution, *viz.*, permanent settlement of land or in the alternative 60 years' settlements with definite, light, moderate and reasonable state demand on land as recommended in para 251 of the Royal Commission on Decentralization, that is, once in two generations in place of the short ones such as 18 and 20 years obtaining in the Central Provinces.

With these few remarks, brother delegates, I beg to support the resolution.

---

# Central Provinces Tenancy Amendment Bill.

*(Reprinted From the HITAVADA).*

25th February, 1915.

The C. P. Tenancy Amendment Bill was introduced in the Council on the 11th January 1915 by the Hon'ble Mr. H. A. Crump, Financial Commissioner, C. P. The proposed amendment reads as follows :—

"61-A.—Subject to any rules which the Chief Commissioner may make in this behalf, a sub-tenant holding land from a Malik-makbuza who is a member of the Proprietary body of the Mahal in which such land lies, may, if it is proved to the satisfaction of a Revenue Officer that it is habitually sub-let or managed solely with a view to obtaining rent, be declared by such Revenue Officer to have all the rights conferred by this Act on an ordinary tenant and shall thereupon be deemed to have such rights against the Malik-makbuza."

2. The statement of objects and reasons of the above amendment is as follows:—

"The present short amending bill to the tenancy Act, 1898 (XI of 1898), is a necessary corollary to the changes introduced in the new Land Revenue Act as regards the definition of malik-makbuza in section 4 (10) and of the provisions in section 76 (3) *idem* for malik-makbuza plots owned by a member of the proprietary body ceasing to be separately assessed to revenue and for declaring a sub-tenant thereof to be an ordinary tenant. It has been considered advisable as a temporary measure to pass the present short amending Act, in advance of the complete revision of the Tenancy law in force in these Provinces."

3. In introducing the Bill the Hon'ble Mr. Crump said:—

"This is a return in the direction of the original definition of malik makbuza which was contained in the Act of 1881. In the Tenancy Act of 1882 the tenant holding land from a malik-makbuza was not a sub-tenant, and this change was only made in the law when the definition of malik-makbuza was changed in 1889.

4. As now recast, the amending Bill appears entirely to ignore private rights in land. This is altogether unjust. Land-holders of various classes and denominations throughout these Provinces have right of property in the soil, and have been held to be proprietor in the proper sense of the term (Vyavahara Mayukha, chapter 4, section 1, 8; Stoke's Hindu Law Books, page 44; Vaikunth Bapuji Vs. The Government of Bombay, 12 Bom. H. C. R. App. pp. 1-224; Ganga Govind Mandel vs. The Collector of 24 Parganas, 11 Moore's I. A. P. 345, Elphinstone's History of India, ninth Edition, pages 266 to 271, Appendix V and at pages 71 to 73). The amending section 61-A has been so framed as to give the idea, that private ownership in land does not exist in the Provinces. It is amply borne out by the Tenancy Act of 1883 that land-holders did possess a right of property in the soil.

5. The view laid down by Elphinstone in his History of India (ninth edition) at page 79 as established in Hindu polity, was deliberately and legally accepted and adopted in its main lines, the view that

"the King possesses the exclusive right to a proportion of the produce (the Rajbhag as it is still called). This right is permanent and the King can dispose of it at his pleasure. but he can not interfere with the soil, or its produce beyond this limit. If he requires the land for buildings, roads or other public purposes he takes it as a Magistrate, and ought to give compensation to his fellow share-holders."

6. Baden-Powell has pointed out that until a comparatively recent date, and except during a comparatively short period of anarchy and unsettlement previously to British rule, the feudal conception that the sovereign is the ultimate lord and proprietor of all land was one unknown to the rulers and people of this country. Manu in Chapter 9-44, lays down

"The sages declare a field to belong to him who first cleared away the timber or in the words of the commentator, who tilled and cleared it, and a deer to him who first wounded it."



In chapter 9, 49, 51, 52, 53 and 54 we read the case of one man sowing seed in a field which is owned by another. In chapter 4-230 and 233 gifts of land are spoken of as if in the power of individuals to confer them. There is also reference to the formalities of sale (the sale by pouring out water) which is noticeable among the ancient deeds collected in Logan's Manual of law. Baden Powell, in his book on "Land Systems of British India", volume 1, 227, cites these authorities. His own opinion on the point is important. He says: "if we date the institution of Manu about the fifth century B. C., and also assume that what is said about landed interest is hardly a new idea of the author enunciated for the first time, but more or less represents accepted ideas on the subject, it will be obvious that a right (of whatever nature) in the land is very ancient idea. It is also represented as attaching to the individual or rather to the family, of which the individual was only the head, the manager or the representative (page 226)." He further points out that, according to Manu, "the King is no conquering lord, driving the aborigines into the hills or making serfs of them. He is created as the proprietor of all those classes and orders of men who from first to last discharge their duties. The King is to draw moderate taxes from his realm as the calf and the bee take their food little by little. He is to take a sixth, an eighth or a twelfth part of the crops (Chapter 7-129 and 130).

7. Coming to Mahomedan law, the author of the *Hidaya* also has adopted the same rule as the law of Manu asserts, viz: that the land is the property of him who first clears it". Colonel Vans Kennedy says that "all Mahomedan jurists agree that the person who first appropriates and cultivates the lands becomes ipso facto the lord of the soil; (see pages 54 to 57 of 12 Bombay High Court Reports in the case of *Vaikunath Bapuji Vs. the Government of Bombay*"). Further on he says:—"It is noteworthy that in 1668 A. D. the Emperor Aurangzeb's orders show that private right in land was then recognized. And as late as 1715,

when the Company applied for a grant of the talukdari of thirty-eight villages near their Bengal factory, they were told they had to purchase the rights of the owners. And when Mr. Shore put rather a leading question to Gulam Hassan, the historian, the author of "Sayyar Matarkhrin," assuming the right of the ruler, and asking whether therefore he ought to pay for land he required to take possession of, the author replied, "the Emperor is proprietor of the revenue : he is not proprietor of the soil."

8. It is this theory of proprietary right in the land which has been from time to time embodied and confirmed in the resolutions and despatches of Governors-General and Indian Secretaries of State. And now the abandoned and discredited theory of sole State landlordism is quietly and indirectly revived and the Bill assumes and proceeds upon it as an uncontroverted and incontrovertible principle. The theory of sole State landlordism was not as old as the sun and moon and the stars.

9. Dr. C. D. Field in para 223 at page 419 of his Book called "Landholding, and the relation of Landlord and Tenant in various countries" says : "Few will now be found to doubt that the ownership—that is, such ownership as was within the conception of the people of that time was of the Community which doubtless existed before Kings or Sovereigns. The idea of the Sovereign being the great landowner may have been subsequently introduced by the Mahommadans to whom this and other feudal ideas were familiar." In para 224 at page 422, he says : "A member of the community might sell or mortgage his rights to a stranger. The original sellers finding that they had more good land than they themselves could cultivate, would endeavour to make profit out of it through the labours of others. No method came easier than to assign it to a person, who would engage to pay the Government share of the produce with an additional share to the community. While land was plenty and many villages in progress of formation, no man would undertake to clear a spot unless he was to enjoy it for ever ; and hence Government tenants would be

created." In para 460 at page 805, he said : "The land of a country belongs to the people of the country and, while vested rights should be treated with all possible tenderness, no mode of appropriation and cultivation should be permanently allowed by the Ruler, which involves the wretchedness of the great majority of the community, if the alteration or *amendment of the law relating to land can by itself or in conjunction with other measures obviate or remedy the misfortune.*"

9. Dr. C. D. Field in para 461 at page 805 of his treatise, further said : "If it be asked on what principle Government should determine this proportion, what share shall be considered fair and equitable our answer is such a share as shall leave enough to the cultivator of the soil to enable him to carry on the cultivation, to live in reasonable comfort and to participate to a reasonable extent in the progress and improving prosperity of his native "land." Sir John Shore in his minute of 18th June 1789 said : "The chief source of the revenue of all Indian Governments has consisted, from time immemorial, of a portion of the produce of the land. It is obvious that the surplus which remains from the gross produce of the land, after deducting all expenses, is the fair measure of its power to pay an assessment. A land tax like that which was levied in India, is bad for all the reasons for which tithe was condemned ; and it is worse inasmuch as it takes so much more than tithe took. Dr. Smith has shown that a land tax assessed according to a general survey and valuation however equal it may be at first, must in the course of a very moderate period of time become unequal. Sir J. Macpherson, who acted as Governor General after the departure of Mr. Hastings wrote as follows in 1786 :— "Nothing was more complete, more simple, correct, and systematic, than the ancient revenue system of this country. It was found so as to protect the people who paid it from oppression and to secure to the Sovereign his full and legal rights". All the above authorities clearly lay down that the State has a right to a portion of the produce but the land does not belong to the Sovereign.

10. Now the question is whether the land revenue is rent or a land-tax. The theory seems to be that the land belongs to the State which can restrict alienation of land in any way it liked, and it has in consequence a right to take a share of the produce as rent. The State demand upon land is not rent but only a land revenue or in other words, land-tax. Sir David Barbour, who was one of the most distinguished Finance Ministers that the Civil Service ever gave to India, said :—

“The only question that has to be considered is of the total wealth produced by the community, how much is required by the Government for the purposes of Administration? It is quite clear that if the Government did not take this land revenue from the people, it would remain with the community and would fructify in its pockets. In that respect land revenue stands precisely on the same level as the proceeds of the salt-tax or any other taxes, and therefore in estimating the total contribution of the people for the expenses of the Government, land revenue must be included.”

This is the soundest view that can be taken of the nature of the demand, and in this view it is nothing more than a tax which is imposed upon land for the purposes of the State. As a matter of fact, the State is not the owner of the land; the contractual relation of land-lord and tenant do not subsist between the Government and the landholder. The subordination of the land-holder is that of a subject to the Crown. The land-holder's liability to pay a tax levied by Government is undoubted; but it is wrong to assume that the Government has a right to share in the proprietary profits. In this connection I will only call the attention of the authorities to a statement as to the land tax policy contained in a book entitled “Land Revenue policy of the Indian Government”, issued during Lord Curzon's regime. There, Lord Curzon Controverting the view of Mr. R. C. Dutt said that *Mr. Dutt confused rent with land revenue*. This settles the question that land revenue is a land tax and not rent once for all. There is practical unanimity in the opinions of all authorities concerned that the right of private proprietor-

ship in land was generally recognized by the Hindu Rajas, who thus claimed to receive from the cultivators of the soil, not a land rent due to a landowner, but a land-tax due to the Government of the country. The land-revenue of the Hindu States was therefore a sort of tax on the income derivable from land.

11. The raiyats are perpetual owners of the soil, subject to the payment of a fair rent which, if not fixed by agreement, is determined by an officer of Government. But have they any of them the right of alienation? Have they any difficulty in borrowing sufficient for their humble requirements, including their marriages, obsequial ceremonies, and the like? My answer to both the above queries is in the affirmative, because their freedom of transfer is restricted by an enactment.

12. The Malguzar in the Central Provinces under the proprietary settlement of 1863 is as much and in as full a sense the proprietor of his mahal as the ryot in Bombay and Madras under the ryotwari tenure is the proprietor of his acres, as the Zamindar in Bengal under the Cornwallis settlement of 1793 is of his estate. And, indeed, it may be laid down as a general proposition, that as far as occupied agricultural land is concerned, nowhere in British India excepting special tracts under special legislation, is State landlordism the accepted or working theory of land revenue administration. In the non-malguzari tracts in the Central Provinces under the Land Revenue Act of 1881, as amended in 1889, sections 67-A to 67-I; in the Chenab Valley in the Punjab under Punjab Act III of 1893; and in certain parts of Sind under Bombay Act I of 1899, the land is expressly reserved as the "Property of Government" and given out to occupants under a non-proprietary tenure. Everywhere else, however, the State is only entitled in theory and fact to a share of the produce of the soil without any rights of ownership, as the Government of India put it in their Despatch to the Secretary of State, dated the 18th June 1880, commenting on Mr. J. Caird's report on the condition

of India (*vide* Mr. Caird's Report and Correspondence, pages 33). Thus, there would appear to be little warrant either in the positive law of the land or in authoritative declarations of Government for the assumption that the State is the proprietor of the soil under the proprietary settlement of 1865 in the Central Provinces, any more than in the rest of India.

13. To take Regulation Provinces first. Madras :— Here the landholding class, including the zamindars and their tenants and the survey occupants, are all free to alienate their lands.

14. BOMBAY:—And so, too, in Bombay. The watan-dars alone, as being holders of service lands, cannot, under the Hereditary Offices Act of 1874, section 5, alienate their watan rights.

15. BENGAL:—In Bengal, the zamindars, have powers of free transfer : and so the patnidars and sarpatnidars, and ryots at fixed rates. As regards the occupancy tenants, the law is silent (*vide* Baden Powell, Volume I, page 652): but free transfers are allowed under custom, which is saved by section 383 of the General Tenancy Act of 1885, and recognized by the Courts (*vide* Major of the Hon'ble B. Baring's speech, page 401, and the Lieutenant.—Governor (Sir A. R. Thompson) of Bengal's speech, page 255, Supreme Council Proceedings, Gazette of India, March 12, 1883, and March 5, 1885).

16. Thus it will be seen that in all these Regulation Provinces the policy of Government is to leave the land-owning classes perfectly free in this respect and in the secure enjoyment of their full proprietary rights. As regards their tenants the steady and consistent effort of the British Administration has been in Bengal to build up a strong tenant right on the threefold basis of fixity of tenure by accrual of occupancy rights, fair rents and free transfer. In the recent Tenancy Bill introduced in the Bengal Council, the tenants of all classes and denominations have been given the full liberty and power to alienate their lands even without the consent of zamindars.

Passing on to the non-Regulation Provinces, it may be noted that from the regular settlements of the earlier years of British conquest down to the very close (1888) of Lord Dufferin's Administration, the consistent policy of Government here, as in Regulation Provinces, was to leave the proprietary classes unfettered powers of disposal in respect of their lands, and in the case of subordinate cultivator holding under them, to create a strong tenant right on the Bengal plan. Since 1889, however, in which year the non-malguzari villages in the Central Provinces were, for the first time in the agrarian history of British India,—constituted into a special legislation, and placed under a non-proprietary ryotwari tenure on the basis of non-transferability—there has been a reaction. To take these Provinces separately.

18. PUNJAB:—Previous to 1889, both the landed proprietors and their tenants with occupancy rights had, under Land Acts of 1868 and 1817, powers of free transfer. The Lands Alienation Act (13 of 1900) is one of general application; restricting and regulating but not prohibiting alienations of land on the part of either the land owners or their tenants. Sales and mortgages are still likewise allowed, though under certain limitations.

19. NORTH-WEST PROVINCES:—Prior to 1881, both the landed proprietors and their tenants had powers of free transfer. Act 12, of 1881, however, only leaves the proprietary classes free to alienate their lands by sale, gift, bequest or mortgage, but takes away the right of such alienation from their tenants, except such as hold at fixed rates.

20. CENTRAL PROVINCES:—The proprietary settlement of 1863 gave the malguzars full proprietary privileges, including free transfer. The Tenancy Act of 1883 (sections 43 and 61) extended the right of alienation to all classes of tenants holding under them, only exercisable with their consent. The Tenancy Act of 1898, passed in the face of the protests of the whole province and the strong opposi-

tion of the Hon'ble Sir Gangadhar Rao Chitnavis, the provincial representative in the Supreme Legislative Council, takes away the power of free transfer from the whole body of tenants excepting such as are absolute occupancy tenants; and going even a step further, restricts the malguzars' right to alienate their *Sir* lands.

21. The present amendment goes still further and restricts the subletting of malikmakbuza owned by a member of the proprietary body. This measure or any other measures the Government may propose hereafter, restricting the free alienations of malguzars and tenants will be repugnant to the ancient traditions, customs and sentiments. I need hardly expatiate on the desirability of the equal treatment of the tenants of these provinces with their fellow-brethren in the sister provinces.

22. The new Tenancy Amendment Bill clearly indicates that the authorities of these Provinces are apparently strenuous upholders of the theory that the State is the proprietor of the soil in India and that the land revenue it levies is not tax but rent. This theory, however, of State landlordism is again opposed to two distinct and authoritative declarations on the point. There is, first, the despatch of the East India Company's Court of Directors, dated 17th December 1856, which emphatically repudiates the doctrine of State proprietorship and affirms the principle that the land assessment is revenue and not rent, laying down that the right of the Government is not a rent,—which consists of all the surplus produce after paying the cost of cultivation and the profits of agricultural stocks, but a land revenue only, which ought, if possible, to be so lightly assessed as to leave a surplus or rent to the occupier, whether he, in fact, lets the land to others or retains it in his own hands. Secondly, we have the despatch of Lord Lytton's Government to the Secretary of State,



dated Simla, the 8th June 1880, addressed in reply to Sir J. Caird's report on the condition of India observing in para 31:—

“We do not accept the accuracy of the description that the tenure (of land in India) was that of cultivating tenants with no power to mortgage the land of the State and that land is property of the Government held by the occupier as tenant in hereditary succession so long as he pays the Government demand. On the contrary, the sale and mortgage of land were recognized under the Native Governments before the establishment of British power, and are not uncommon in Native States at the present time; and if such transactions were rarer than under our administration, it was mainly because, the tenure being insecure, the property had little value. It has been one of the great objects of all the successive Governments of India since the days of Lord Cornwallis, if not to create property in land, at all events to secure and fortify and develop it to the utmost. The Government undoubtedly is the owner of a first charge, the amount of which is fixed by itself on the produce of all revenue-paying land in India; but over the greater part of the Indian Empire, it is no more the owner of the cultivated land than the owner of a rent charge in England is the owner of the land upon which it is charged.”

23. These authoritative declarations as to the position of the State in reference to the land revenue it raises are explicit and emphatic declarations— which have never been at any subsequent period revoked or modified by competent authority. And I would submit that to assert in the face of such declarations which constitute the Magna Charta of the Indian Ryot—that he is but a tenant of the State—the one great landlord in the country and has no proprietary rights in the acres he tills, is to ignore the very fundamental principle of our existing land tenures.

24. The point is not merely one of academic interest, it has a vital bearing on the Land Revenue

policy of the State in India. Should the rent-theory, unfortunately, ever come to obtain general concurrence and govern our land revenue administration, it must follow as a logical *sequitur* as pointed out by Lord Salisbury in his weighty minute on Indian Revenue, dated 29th April 1875—that Government is in strictness entitled to all that remains of the produce of the soil after the wages and profits are paid, and the aim of the Land Revenue policy of the State would be to continually force up the assessment to the highest pitch attainable, leaving the cultivator little more than a bare subsistence, if even that much. If we, however, strenuously continue to maintain the principle, so authoritatively laid down in the Court of Directors' despatch of 1856 and subsequently re-affirmed in the despatches of Sir C. Wood in 1862, Sir Stafford Northcote in 1866 and Lord Lytton's Government in 1880—that the State assessment on the lands is revenue only, not economic rent and that land throughout the country is private property, subject to the payment of such revenue, there will be no disposition on the part of our Land Revenue Administration as it appears to be in some quarters—to enhance its demands upon the land more and more to ruinous levels—out of all proportion to fiscal necessity and without a proper regard to an equitable distribution of the burdens of taxation as between the landholding and other classes.

25. And it will be recognized that the Malguzar in the Central Provinces—whatever the system or mode of land revenue settlement—is as much the proprietor of his mahal, as the Ryot in Bombay and Madras is of his ancestral acres, the Zamindar in Bengal, or the Talukdar in Oudh is of his ancestral estates—and is entitled in legal right as in equity to like protection against rack-renting and exorbitant demands on the part of the State.

26. I conclude this subject by quotations from the two ablest revenue officers. An experienced writer, well conversant with the system of land-tenure that obtains in Madras, says:—

"The absolute power given to transfer land by gift or mortgage is in itself excellent, and had the assessment always been moderate it could not have worked harm. But owing to heavy assessments and consequent inability to meet the Government demands, the raiyats have been obliged to exercise this power to such an extent as to place a large portion of the land in the hands of the Sawkars. The latter have enabled the raiyats to live on somehow. Had the land been tied, the raiyats would no doubt have been placed more speedily in an embarrassing position."

Mr. (now Sir) B. Fuller, Commissioner of Settlements and Agriculture, one of the ablest Revenue-officers who served this Province said:—

"I believe that the mortgage and transfer of raiyats' tenures have their origin in ideas which arose long before the British supremacy in India, and that in dealing with the question we are laying hands not on a recent custom of our own creation but on a custom which has its roots in the circumstances of long past years. If this view be correct it will be exceedingly difficult to put a stop to all transfers by legislation and I think that experience of these provinces bears out this view. Occupancy and ordinary raiyats have no statutory powers of transfer, but transfers are exceedingly common amongst both classes. I am by no means persuaded that the practice of transfer is as injurious in the agricultural interests of the country as it is commonly supposed to be. It is generally assumed that transfers of raiyat's right admit the money-lender to the cultivator's heritage, and this is of course true in a large proportion of cases. But we must not lose sight of the very numerous transfer which merely substitute a good cultivator for one who is indolent or imprudent. The Settlement Officer of Nagpur, who has made inquiries into the question, has concluded that about half the number of transfers which have taken place in that district during the past thirty years have merely shifted from one cultivator to another. The Government is hardly in this matter concerned with individuals, and a transfer under which a man who cannot farm successfully gives place to one who is in my opinion of much benefit to the country. It will be very risky to put a stop to all transfers of the kind simply in order to prevent those which bring in the money-lender.

27. The people of the Central Provinces therefore humbly pray that the benign Government would be pleased

to completely revise the whole of the Tenancy Act, making statutory provision to the following effect —

(a) That the *malguzar* shall have unrestrained freedom to sublet his *Sir* or home farms and *khudkast* land for any number of years, or to alienate it by sale, mortgage, gift bequest or otherwise as he might think fit.

(b) That landholders of all classes and denominations shall have the full liberty and power to sublet their landed holding for any number of years or to alienate them by sale, mortgage, gift, bequest or otherwise as they might think fit subject to the consent of the *Malguzar* on payment of the following scale of *malkana*:—

Absolute occupancy tenant on payment of one year's rent; and.

Occupancy tenant on payment of two year's rent;

Ordinary tenant on payment of two year's rent;

(c) That no restraint of any kind whatsoever shall be placed upon a *malik-makbuza* tenant;

(d) That *malaguzar* shall have the unrestrained liberty to buy, sell, mortgage, sublet, make a gift or bequest or otherwise, of his *malik-makbuza* holding as he might think fit;

(e) That the *malik-makbuza* right shall not cease to exist even if a member of the proprietary body purchases it on payment.

(f) That the land-tax shall be assessed according to the picture of Hindu Society presented by the Code of *Manu* at one-twelfth of the net produce in times of prosperity, one eighth in times of distress and one sixth (which is the medium) or in great public adversity even one-fourth. A permanent statutory provision shall be made either in the Tenancy or Land Revenue Act to this effect.

(g) That no fallow or waste lands shall be assessed.

(h) That *Sir* or *khudkast* lands shall be permanently free from any assessment.

(i) That improvements shall be permanently exempted from assessment to revenue in all future settlements, as recommended by the Famine Commission of 1901 in paragraph 315 and 316 of its report, and as laid down in section 11 of Land Improvements Loans Act 19 of 1883.

(j) That a provision shall be made for the boon of permanent settlement of these provinces promised by Sir Richard Temple and his officers in 1862.

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# A Plea for Permanent Settlement.

You are aware that settlement operations are vigorously going on in the Nagpur District. The settlement authorities have declared the new assessment in the Nagpur Tahsil, partly in Umrer and partly in Ramtek Tahsils. The figures of the new assessment show that they are enhanced from 50 to 100 percent. I am a malguzar in the Ramtek Tahsil. The settlement assessment of nineties of my village was as follows;—

Collections from tenants	...	Rs.	452	0	0
Collection from malguzar for <i>sir</i> and <i>khudkast</i> land.	...	Rs.	249	0	0
Collection of other cesses.	...	Rs.	23	11	0

Total	...	Rs.	724	11	0
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Government Land Revenue was .. Rs. 453 11 0  
The 1914 settlement assessment is as under

Collections from tenants.	...	Rs.	661	12	0
Assessment on <i>sir</i> and <i>khudkast</i> lands ..	...	Rs.	403	0	0
Mafi	...	Rs.	10	8	0
Other income	...	Rs.	6	0	0

Total	...	Rs.	1081	4	0
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2. The Government land revenue is Rs. 654-4.

From the above figures it will be seen that Government enhanced the assessment on *sir* and *khudkast* land by Rs. 154 and on tenants' land by 209-12

3. I bought one village in October 1910 for Rs. 16216. Taking the lowest figure, the interest on this amount at 6 per cent per annum for four years amounts to Rs. 3888. This low figure of interest I would have secured without any difficulty had I invested it in any trade or business; but unfortunately not only I had lost this interest but had in addition to lose Rs. 2217 from my pocket as the land did not give sufficient produce. You will thus see that I suffered

a loss of Rs. 6105 during the last four years in my village. My case is not the only instance but there are several other malguzars who suffer the same fate as mine. The cause of this loss is that the land is deteriorated and lost its producing power which can only be regained if it gets rest or is well manured. The land is in such an undulated condition that it requires considerable improvements such as earth and stone embankments and reclamation which would cost at the least Rs. 6000. When a malguzar has been suffering continuous loss for the last four years and when he has no hope of getting back the lowest rate of interest, he is reluctant to invest further capital towards the improvements. I am at a loss to understand on what basis the assessment of 1914 settlement is fixed. The new assessment is no doubt harassing and telling upon the cultivators. A new Land Revenue policy at every new settlement is more dangerous than the settlement itself. It upsets the old village customs, dislocates the established relations between the Government and the land-holding classes, and by engendering a feeling of general insecurity, it unsettles men's minds, paralyses all incentives to improvement, and arrests the progress of the province.

4. Mr. R. C. Dutt has thus done a national service by drawing the attention of the Government and the public to this all important subject; and His excellency, Lord Curzon, Viceroy and Governor General, has earned the gratitude of the people by formulating certain broad general principles, which are to be the guiding rules of all future settlements. But, however generous the motives of the Government may be, there is always the danger of those rules being worked in a manner incompatible with the spirit in which they were conceived. And it is in their practical application that over assessment creeps in. 1914 assessment is made unduly severe, while the rent rate, and the percentage of gross produce taken as revenue, shall wear the appearance of moderation.

4.-A. Sir William Hunter, a great statistician, remarks, thus in the Imperial Council, in 1883:—

"The Government assessment does not leave enough food to the cultivator to support himself and his family throughout the year".

Dr. Pollen also spoke in similar terms on the Government assessment. In this connection Lord Macdonnell remarked on a similar suggestion of Sir Bampfylade Fuller in relation to the raiyat:—

"I do not think the right way to save the raiyat from indebtedness is to keep him so poor that no one will lend him a rupee. The true remedy is to be found in another direction." I beg to invite the attention of the Government to the liberal policy laid down in Regulation VII of 1822 :—

"A moderate assessment being equally conducive to the true interests of Government and to the well-being of its subjects, it is the wish and intention of Government that in revising the existing settlement the efforts of the revenue officers should be chiefly directed, not to any general and extensive enhancement of the Jama, but to the objects of equalising the public burthens and of ascertaining, setting and recording the rights, interests, privileges and properties of all persons and classes owing, occupying, managing or cultivating the land".

4.—B. Moreover, Lord Curzon's pronouncement in his celebrated Land Revenue Resolution of 1902 is:—

"In area where the State receives its land Revenue from land-lords, progressive moderation is the key-note of the policy of Government."

It further lays down.—

"In time, as population increases, and more labour and expenditure are devoted to cultivation, the share taken by Government may be expected still further to diminish".

5. No rent, however low as compared with rents elsewhere, can claim to be fair, which does not leave to the tenant a share of the produce sufficient to keep up the stock from which he furnishes the seed, pays for labour, and buys and maintains the plough-cattle and instruments of husbandry, leaving also a fair margin for his own liveli-



hood. This is the smallest share which has to be left to the tenant, if he is to get a living from the land. The rent must come out of what remains, and never exceed the value of this residue without pauperising the tenant.

6. Now-a-days you see the tenants going to work as labourers of engaging their carts on hire on any work to earn their wages immediately after Dewali. What is the cause of this? The real cause is that they have no means of livelihood for the whole year. When they work in their field for six months, they only get food-grains hardly sufficient to maintain themselves during monsoons. This shows that tenants cannot entirely depend upon their land-produce. The reason why tenants cannot solely rely upon their land-produce is over and harassing assessments. ( Vide paras 4 A & B hereof.)

7. Therefore what is needed is a carefully conducted enquiry, in which the people concerned must be permitted to take part, directed to ascertain :—

- (1) The average quantity of land held by tenants in various assessment groups.
- (2) Its gross average produce taking bad with good years.
- (3) Cost of replenishing the stock.
- (4) Profits which the tenant must be able to keep himself for the support of his family during the year ; and
- (5) The balance left after meeting these charges.

It is this balance alone which can determine the real character of the rent charge and its pressure on the tenant. Such an enquiry is yet to take place. Till then, it is a meaningless cry to say that the incidence of rent, as fixed at the new settlement, is low.

8. Now the question is what is the share of the Government in land ?

The view of Elphinstone in the History of India was "the king possesses the exclusive right to a portion of the

produce (the Rajabhag as it is still called). This right is permanent, and the king can dispose of it at his pleasure, but he cannot interfere with the soil or its produce beyond this limit".

9. Mr. Badden Powell, in his book on Land System of British India, Volume I, chapter VII, 129, 130, foot note at page 227, points out according to the law of Manu "the King is to draw moderate taxes from his realm. He is to take a sixth, an eighth, or a twelfth part of the crops."

10. Coming to the Mohamadan law, the author of the *Hidaya* also has adopted the same rule as the law of Manu asserts, viz. "and the land is the property of him who first clears it."

Colonel Van Kennedy says that

"All Mahamadan jurists agree that the person who first appropriates and cultivates waste lands becomes ipso facto the lord of the soil."

Further he says that in 1668 A.D. Emperor Aurangzeb's orders show that a private right in land was then recognized. Gulam Hassan, the Historian, the author of *Sayya Mutakhim* replied when he was asked by Mr. Shore, "the Emperor is proprietor of the revenue; he is not proprietor of the soil.

11. It is clear from the above authorities that land revenue is a land tax and not rent. The Maximum Government share in the land is a sixth and the minimum is a twelfth of the residue mentioned in para 7 (5). What the agriculturists crave for is this assessment according to the ancient law of Manu and the Mahomadan law. In 1813, when Nagpur was taken by the British Government, the old native system, under which the people had been living for so many centuries, had lost none of its vitality. Though grey with the dust of ages, the accumulated weight of many centuries had failed to crush out its life-giving power. It was as potent as ever to conduce to the happiness of the people, and, it were much to be wished that the old Village

Government system had been left untouched by the new Government. The Government of the day was fully alive to this fact. The Governor General, in course of his instructions to the Resident at Nagpur, dated the 7th March 1854, laid down that the guiding principle which should pervade the new administration was "to establish plain, simple and efficient regulations on the basis of the ancient usages and laws of the country." This is a most salutary principle.

12. Mr. Baden Powell, at page 178 of his short account of Land-Revenue Administration in British India, says "the land revenue is technically said to consist of a fraction of the total assets of the estate as annually received. Though the basis of the land Revenue is the old Rajas' sixth, modern systems have departed almost entirely from any attempt to value a share of the produce in money. "This shows that Government demand varies from one-sixth to one twelfth of the net produce. We, land-holders are prepared to pay Government share as fixed by the ancient law of Manu.

13. Sir Richard Jenkins, in his report on the Bhosle Raja's territories described the Maharatta system of Land Revenue;—

(1st) Only cultivated land and no other was liable to assessment. This freed the current fallows and waste lands from assessment; and also left the miscellaneous profits to be wholly enjoyed by the patel and the villagers. Under the British system current fallows are fully rated and every item of miscellaneous profit is duly assessed.

(2nd) The Patel enjoyed his sir or home farm revenue free. It was lightly assessed at the settlement of sixties, had been very fully assessed at the settlement of nineties and it was doubled at the settlement of 1914. Considering that the home farm generally consists of the best lands in a village, this was a most important concession under the Mahratta system.

(3rd) The Patel received from the ryots several customary dues in addition to his rent. These have either been abolished or have merged in the rent, thus operating to swell the assets upon which the revenue is fixed. It would thus appear that while the high Mahratta percentage was maintained by the British Administration, the special advantages which the malguzars enjoyed under the Mahratta rule were withdrawn.

14. The guiding principle of the settlement of sixties had been to secure improvement in the condition of the people, and to foster the accumulations of wealth in their hands. The authors of that settlement had discouraged "*the nation that whatever is gained by the owners of land in the shape of rent is so much loss to the state.*"

"The best wealth of a Government," it had been said in a resolution, "is to be found in the growing wealth of its people and the feeling, which leads it to grudge all that does not fall into the hands of the tax-collector is a very short-sighted feeling, and must lead, if followed, to a very short-sighted policy." The new settlement followed the short-sighted policy and reck-renting proclivity. The only substantial difference between the procedure of the settlement of sixties and the settlement of nineties and 1914 seems to be, that whereas at the settlement of sixties, the rent fixed was made acceptable to the tenant, and his agreement was secured before the Putta was issued to him, at the settlement of nineties and 1914, the rent was fixed and the Putta prepared and signed by the Settlement Officer, behind the back of both the tenant and the malguzar, and was made binding on them whether they agreed or not.

15. Government officials attribute the enhanced assessments to the prevailing high prices of agricultural produce. It may not be amiss to point out that if prices of agricultural produce have gone up, so have the prices of many of the necessities of life and the cost of cultivation. The following remarks by Sir Richard Temple on this subject are very pertinent:—

"The tenant cannot pay quite as much rent as would be supposed. For while, on the one hand, he gets much more now than formerly for the produce he has to sell, still he has to pay more for the articles he buys from others. For his draught cattle (every important to him) he pays 3 or 4 times as much as before. His clothes are much dearer. For such farm labour as he has to employ he must give higher wages." (Page 58 Administration Report).

The above remarks hold good with even greater force now, the causes operating to cut down the profits of cultivation having increased manyfold. The salient fact which the authorities left unnoticed is that the value of land has increased four-fold now. In spite of the rise in prices, the tenants or malguzars cannot even realise the lowest rate of interest for the money they invest. On the other hand malguzars are suffering loss year by year. Again it is but seldom that the agriculturists are able to take full advantage of the rise in prices resulting from the opening up of the country by roads and railways. The linking of an inaccessible tract to great centres of trade is more generally of advantage to the merchants than to the agricultural communities. Under the exigencies of their economic condition, and generally under the pressure of a heavy load of debt, and of rent to be paid in cash on fixed dates, the agriculturists are not always able to take full advantage of the benefits which on theoretic grounds ought to accrue from the above cause. They can neither afford to wait for the favourable season when prices are at their highest, nor command the means to carry the produce to the best market. On the contrary, more often than not they have to part with their crops at low rates long in advance of the actual harvest to their sawkars. This is called the system of *laoni* i. e. the selling of prospective produce at excessively low prices long before the actual harvest reaches their hands. This is admitted by Sir Richard Jenkins who says "the *laoni*, which consisted in making over to the creditor the grain of the crops on the ground at a rate considerably

under the bazar price." This shows that cultivators do not really get the advantage of high prices but that sawkars are the men who get the advantage. They do this in order to get advances from the sawkars or grain merchants in rainy season at low prices as they are penniless in that season. This shows that the peasantry class is getting poor day by day. The real wealth of the cultivator is this grain, and he is rich when his granary is full. But when he has to turn grain into cash at inconvenient times, the cash soon disappears to meet the demands of the sawkar and the charges on his land. All this has been pointed out in the settlement Report:--

"It will be sometime before the slow-moving rustic wakes up to the new order of things, and when he does, poor fellow he must find as best he can, the ability to benefit from it. It is the local sawkar or grain dealer, with here and there some astute and thrifty landlords, exceptions to their species, who will at once wax fat on the lucrative opportunities thus opened out to them."

16. A good test, by which to judge whether the rise in the prices has really added to the wealth of the landholding classes, is to examine the figures relating to transfers of land, and see whether they have gone up or down. The transfers of land in Nagpur and Jubbulpore Divisions during 13 years ending 1898-1899 disclose a sad state of things. During the 13 years in these two divisions only, more than 56 lakhs of acres have either already passed out of the hand of the original owners, or are in the process of being lost to them. This does not support the theory upon which the new settlement is presumably based, namely that the landholding and agricultural classes have benefitted largely by the rise in the prices or the opening out of the country to external traffic.

17. The average profit left to the tenant per acre after deducting the rent is Rs. 3-11-6 in Saugor, 2-5-6 in Damoh, Rs. 2-3-6 in Jubbulpore, Rs. 3-11-7 in Narsingpur, Rs. 3-4-8 in Seoni, Rs. 3-13 in Nagpur and Rs. 2-8-11 in

**Raipur.** In Narsingpur the average area of an ordinary tenant's holding in 1893-1894, the year in which cultivation had reached its maximum limit, was about nine acres. Such a tenant would have earned in this district nine times Rs. 3-11-7, or about Rs. 34. In Jubbulpore the average area in the same year was 6 acres, and the net earning after deducting rent would be six times Rs. 2-3-6 or about Rs. 13. In Raipur the area was about 11 acres and the net earnings would be eleven times Rs. 2-8-11 or about Rs. 28. The question naturally arises how the cultivators and their families live on such small incomes. *The fact is, they live to a considerable extent on the wages of the labour they and their families perform on their or other's fields.* They have also to supplement their income from their cultivation in other ways, such as by engaging in the carrying trade, in working as labourers, or engaging their carts on hire when they are free from the cares of their cultivation, and by raising daily produce. *Anyhow they live on their wages, and lead a miserable life.* Even the ordinary comforts of life are not generally within their means. And these are the tenants from whom the malguzars are expected to realise rents regularly in good and bad years, and to pay these from the revenue demanded by the State. The burden of the new assessment is more severe and crushing. And it was all the more severe because the rental assets fixed at this settlement were inflated beyond the rent-paying ability of the tenants, and thus represented an income which landlords did not derive. What we demand is that Government should only claim one-sixth to one-twelfth of the net produce from the tenants.

18. I would invite the attention of the Settlement authorities to the remarks of another servant of the Crown, the Director General of Statistics for India, Mr. O'Connor. Speaking with an experience of forty years spent on a study of economic condition of the people, Mr. O'Connor pointed out that the condition of all the classes of persons who depend directly upon land calls for much improvement, and

pleaded earnestly for a change in the present agrarian policy of the Government. "It is no complete defence of that policy," he observed "to compare the assessment on the land to-day with the assessment in the days of our predecessors. It does not follow that we are very moderate in our demands on the land, because we do not take so much as was squeezed from the cultivators, by rulers and Governors who were highly esteemed if they did a man the favour of allowing him to live. We ought to arrange to let him live and thrive, not taking from him the competition rent of private landlord". He further said "it is doubtful whether the efforts now being made to take the cultivator out of the hands of the money-lender will have much effect, or even if they have the fullest effects, that they will materially improve the cultivator's position until a larger share of the produce of the soil is left in his hands, and he is protected against enhanced assessments by Government officials and against enhanced rents by private landlords. This, as I have said, is much the most important of Indian industries, more important than all the rest put together, and it should receive from the State more discerning attention than, I am afraid, has as yet been given to it. We must appropriate to the full all that the State is doing, or proposing to do, in the provision of irrigation, in the provision of advances for improvements, in lessons of reformed methods of cultivation, in the introduction of new plants and improved implements ; but important as these are, specially the development of irrigation, I have little doubt that the reduction of land revenue by 25 or 30 per cent, if the reduction is secured to the profit of the cultivator, would be of far more value in the improvement of the class who constitute the bulk of the population and who contribute most largely to the finances of the State".

19. It has been pointed out that 72 per cent or more of the population in this country are agriculturists and depend in some form or other for their subsistence upon the soil. If therefore the measure is calculated to benefit



such a large proportion of the population; it may be not unreasonable to assume that it will benefit the people as a whole. There is no person in the country who deserves more assistance, more real sympathy, not merely lip sympathy, but whole-hearted sympathy, than the tenant, the tiller of the soil; he toils and moils, he contributes large revenues to the State and has been so contributing throughout ages. We all gratefully acknowledge that his condition has been improved in the country, but owing to the sacrifices he makes many persons have from time to time advocated that a larger measure of the fruits of his industry should be secured to the tiller of the soil than is secured under the existing arrangement.

20. Means of communication have been opened in most districts, and no further appreciable development in this aspect can be expected. The plea of further rise in the prices of marketable commodities can no more have any force, because the usual prices at present prevailing are what formerly used to be regarded as famine prices. Prices have reached their utmost limits and the expectation of any further rise is sure to meet with utter disappointment. The statements under the heading "*Prices Current*," given in the Statistical Abstract relating to British India from 1901-02 to 1910-11, affords proof that in recent years prices have shown a tendency to become stationary. Railways and roads have equalised prices. India is no longer isolated, but has been lined up with the world's commerce. The result is that the prices of agricultural productions are not liable to violent oscillation; even if there has been some slight advance in prices, we must not lose sight of the fact that the soil of India is becoming impoverished. The question whether or not its fertility is approaching exhaustion has been fully discussed by Dr. Voelcker, who in his report on the "improvement of Indian Agriculture" says:—

"It must be accepted as an axiom in Agriculture that what is taken of the land in crops must in some way be put back into the soil, or else the soil will suffer exhaustion.

It is an equally accepted fact that the production of heavier crops means that more manure must be applied to the land. A country which exports both crops and manure must be declining in fertility. Now, what is the state of things as regards India? On the one hand, there is a large export of oilseeds, cotton, and other produce, besides an increasing one of wheat, all of which remove a considerable amount of the soil-constituents. What is returned in their place? Only the straw or the stalks and leaves; and it is not even correct to say that these are returned, for after all it is only a portion, and frequently a very small portion, that does find its way back to the soil. Part is necessarily used up in the bodies of the cattle, part is wasted by imperfect conserving and storing of manure, part must unavoidably be lost however great the care that may be taken; thus it comes about that it is only a fraction that contributes finally to making up the loss the soil has sustained.

"The consequence must be that the soil becomes gradually poorer, though the effect may not as yet be visible to the eye; for, even if the soil be still producing the same crops, the potential fertility (by which I mean the reserve of constituents for the production of future crops) must be suffering loss, and the capabilities of the soil must be less than under a system of equal giving and taking. In face, therefore, of the enormous increase recorded in the population, and future increases that will have to be met, it becomes a most serious question how the food for these millions is to be found; in other words, how the manure is to be obtained without which the crops necessary for feeding these people cannot be grown.

I cannot, therefore, agree with the theory that fixes a certain level to which production may sink, but below which it will not go. This is apparent rather than real. The decline may be slow, but this is a mere matter of time."

The fact that the cost of living has vastly gone up of late years should also not escape consideration. High prices mean dear labour, and high wages tell on the cost

of production. The cost price of articles has kept pace with the selling price; and so the enhanced outlay on cultivation should not in fairness be overlooked. The standard of comfort in living has likewise risen. The construction of roads, railways, and canals has been set down as a ground for the enhancement of revenue. But what real advantage the cultivator secures from the new roads or lines of railways I have already shown in para 15 hereof. When a tenant takes canal water for a field which was not so irrigated at the previous settlement, it is well known that, in addition to the payment he makes for the water, a charge is made on the land-holder, in order that Government may share in the enhancement of rent that is supposed to follow. In the canal law of 1873, this is called the "Owner's rate." Advantages derived from canal irrigation are thus fully taxed during the currency of a settlement.

22. Nearly a century ago a poet sang the following poem:—

"Princes may flourish,  
Or Princes may fade,  
A breath can make them  
As a breath has made:  
But the poor peasantry,  
Their country's pride,  
When once destroyed,  
Can never be supplied."

The boon of the permanent settlement is the only remedy that would protect the interests of cultivators. In 1874 Sir A. Colvin, when Secretary to the Board of Revenue wrote a very important memorandum condemning the re-settlement in the N. W. P. and other parts of India. It has been well remarked that India is an agricultural country and as such must continue for centuries to come. Again when the permanent settlement was about to be completed, Mr. Law, the Collector of Gaya, wrote a minute suggesting that a clause should be inserted in the compact to the effect that under very pressing and extraordinary exigency the

Government should have the power of demanding something in addition to the fixed revenue, and in reply both Sir John Shore and Lord Cornwallis said that it would entirely vitiate the first principle of the settlement and that in case of future emergency the Government should look to commerce, and the increased wealth of the country for recruiting their resources. Such were the generous, noble and magnanimous hearts of those old statesmen who laid the foundation stone of the British Empire in India.

23. It is the permanency of the land-revenue that would be in the highest degree beneficial to the people, and would add to their wealth, prosperity and staying power. Quite a distinguished body of Anglo-Indian statesmen have expressed themselves in favour of a permanent settlement. Three Governors-General under the East India Company, three Viceroys under the Crown, men like Lord Canning, Lord Lawrence and Lord Ripon, exerted all their great influence towards imposing a permanent limitation on the land-tax in India. From its early years, the Indian National Congress included in its resolutions a pressing demand for the permanent settlement of land revenue in India. The provincial and All-India Moslem Leagues also recommended it. Secretaries of State, Royal or Government Commissions, Viceroys, Governors-General, Lieutenant-Governors, Members of Council, and other high officers have discovered and acknowledged the harm which periodical revision of the land revenue demand entail. The harassing nature of the operations and the enhancement they bring about have been described in vivid colors by men like Sir Auckland Colvin, Mr. Carpenter and others with their life experience of Indian Land tenures. The disadvantages due to, and inseparable from 20 or 30 years settlements are graphically described in the Secretary of State for India's despatch of 1862, from which I quote the following extract :—

"It must be remembered that all revisions of assessment although occurring only at intervals of thirty years, nevertheless demand, for a considerable time previous to their

expiration, much of the attention of most experienced civil officers whose services can be ill spared from their regular administrative duties. Under the best arrangements, the operation can not fail to be harassing, vexatious, and, perhaps, even oppressive to the people affected by it. The work can only be accomplished by the aid of large establishments of native ministerial officers, who must, of necessity have great opportunities for speculation, extortion, and abuse of power. Moreover, as the period for resettlement approaches, the agricultural classes, with the view of evading a true estimate of the actual value of their lands, contract their cultivation cease to grow the most profitable crops, and allow wells and water courses to fall into decay. These practices are certainly more detrimental to themselves than to the Government, but there can be no question that they prevail extensively. The remedy for these evils, the needless occupation of the valuable time of the public officers employed in the revision, the extortion of the subordinate officials, and the loss of wealth to the community from the deterioration of cultivation, lies in the permanent settlement of the land revenue.

24. If the permanent settlement is bestowed, the expense and harassment incidental to the present mode of assessment operation and recurring every 20 or 30 years, would be materially lightened, and the accumulation and investment of capital directly encouraged; the people would lead a fuller and more contented life, and the indirect benefit thus accruing in the future would more than compensate for any immediate loss of revenue. Revision of Government demand at short intervals creates a feeling of insecurity in the minds of the owners of land. The thought that within a short period the assessment will be revised and Government demand on his estate will be raised acts as a deterrent in many cases, and improvements are not made to the extent as they would otherwise be made. Many land-holders apprehend that they will not have sufficient opportunity to get an adequate return for the sums spent by them in provid-

ing new and improving the existing means of irrigation, in getting waste land reclaimed and brought under cultivation and in getting new tenants in their estates. These and other measures which increase the productive power of land and increase the assets of an estate require an outlay of capital which many land-holders are not ready to lay-out, because they think that the assessment will be revised within a comparatively short period. The boon of permanent settlement would give the owners of land greater inducement to improve their estates than is done at present. The gain to the state by adopting permanent settlement would be greater than it is now. Mr. Seton Kerr enumerates the disadvantages of the present settlement system thus:—

“ As the period for revision draws nigh, a certain amount of distrust and disquietude arises in the minds of the population, wealth is concealed, lands are purposely thrown out of cultivation and many unfair means are resorted to, to avoid all increase of rental.

25 At the time of settlement, a great deal of litigation ensues between tenants and landlords, and between tenants and other persons, and much ill will and bitterness are engendered between them. The time of settlement becomes one of the general enhancement of rent. The result is that one class is set against another; and a good deal of irritation is caused by enhancement and abatement proceedings. All sorts of claims, real or imaginary, are put forward at the time of settlement, against both tenants and land holders, Claims on the ground of joint tenancy are quite the usual thing. At such time there is a very large number of suits for resumption; and assessment of rent-free grants is equally large. In short, great bickerings and free fights between class and class occur at the time of settlement. The agricultural population of the area under settlement are thrown into a state of great ferment and wild excitement during the continuance of assessment operations. It has been rightly said that there is nothing more unsettling than settlement.

If the permanent settlement is gifted much of the feeling and irritation arising from the frequency of settlement operations will be avoided. The advantages of permanent settlement are obvious. In spite of all precautions every re-adjustment of land revenue is a harassment and severe crushing of the people. Short-term settlements cut away all incentives to improvements; while permanent settlement gives assurance and encouragement to the people and promotes enterprise in the landed classes.

26. Mr. R. C. Dutt says:—

“Land is the source of living of four-fifths of the population; leave them good margin of profits from land and they are prosperous; sweep away all increase in the profits from land into the imperial treasury at every settlement, and they are impoverished and helpless. But if the settlement officer is constantly among the agricultural population, pruning away every increase in the profits from land once in thirty years, or once in fifteen years, it is idle to talk of improvement in the condition of the agricultural population.

A series of seasons of deficient rainfall has produced certain cumulative effects. The eminent Indian economist, Professor V. G. Kale, M A, writes in his *Industrial and Economical Problems* that “if we look into the history of the rise of the prices for the last years, we see that they have been generally regulated by the condition of the harvest; though latterly they seem to have become permanent, drought or no drought. Even in times of normal rainfall prices are as high as in times of scarcity.”

27 The secretary of State's despatch of 1862 authorised a permanent settlement in tracts where four-fifths of the cultivable area had been brought under cultivation. In place where the maximum cultivable area has been brought under tillage there is no good reason for withholding permanent settlement. The recommendation of Lord Ripon's Government on this question was entirely acceptable. In 1882, Lord Ripon sent out a despatch to the Secretary of State recognising the evils of periodical settlements, and

with a view to minimising them and securing to the agriculturist some of the advantages of permanent settlement. He has also laid down in his despatch the principle that in districts which had once been surveyed and assessed by the settlement department, assessment should undergo no further revision.

28. It is time that Government would kindly see their way to give effect to the policy which they advocated in 1862. On 9th July 1863, Sir Charles Wood, then Secretary of State for India, expressed his entire approval of the proposal of a permanent settlement of the land revenue of India. I would just invite attention to one passage in which he says :—

“ Her Majesty's Government are of opinion that the advantages which may reasonably be expected to accrue not only to those immediately connected with the land, but to the community generally, are sufficiently great to justify them in incurring the risk of some prospective loss of land revenue in order to attain them and that a settlement in perpetuity in all districts in which the conditions absolutely required as preliminary to such a measure are, or may hereafter be fulfilled, is a measure dictated by sound policy and calculated to accelerate the development of the resources of India and to ensure in the highest degree the welfare and contentment of all classes of Her Majesty's subjects in that country.”

29. The work of settlement is such that it cannot be wholly done by officers of high standing. So much has to be done in the way of measurement and classification that the heads of the department can never exercise complete control over the patwaris and Inspectors, whose papers form the ground-work upon which the estimates are based. It is no doubt true that settlement officers themselves do not consciously make excessive demands ; on the contrary, they desire to be moderate and fair. Nevertheless, the anxiety to show some increase in the revenue animates all officers from the highest to the lowest ; and every increase



in the revenue means a corresponding decrease in the resources of the people, and in their ability to provide against years of bad harvest. The share of the produce from the land generally left to the people enables them to live well enough in good years, but it does not enable them to provide against bad times.

30. A permanent settlement of the land revenue was promised to the people of the Central Provinces by Sir Richard Temple and his officers over fifty years ago a promise which has yet to be redeemed. The literature relating to a permanent settlement is now looked upon as discredited ancient history. But it is interesting to know the views of those able and great statesmen who organised the province and laid the foundation of its future advancement. Sir Richard Temple, in his letter No. 38 dated the 8th October 1862 to the Government of India recommended a permanent settlement for this province. Sir Stafford Northcote, the then Secretary of State for India, in his despatch No. 15 dated 23rd March 1867 to the Governor General of India finally approved and sanctioned the introduction of permanent settlement not only in the Central Provinces but in the whole of British India.

31. The decision of the Government was publicly announced to the people by Sir Richard Temple and his officers at Darbars specially held to explain the principles of the settlement. And he thus referred to the matter in his Administration Report :—

“ The period over which the limitation of the Government demand, according to the new assessment, is to extend in 30 years for all districts alike. This has been sanctioned by the Government. It has also been recommended that the boon of the permanent settlement, that is the limitation of the Government demand in perpetuity, should be conceded to those land-holders who might have brought their estates to a high state of cultivation. The Government have decided that after a lapse of ten years from the commencement of the new settlement, those land-holders who may be thought

worthy of the concession, and who may desire a perpetual limitation of the Government demand, may have their assessments revised with a view to such limitation to perpetuity being declared.

Sir Richard Temple also explained the benefit which the country would derive from this policy in the following words:—

‘It would have an effect altogether beyond immediate calculation, in stimulating industry, enterprise and self-reliance of the agriculturists, the application of capital and the accumulation of wealth, where the assessments were fair. It would be accepted as a great boon by the people. On the one hand the State, no doubt, will subject itself to prospective loss, by surrendering all future rights to increase its land revenue. But on the other hand, such loss would be more than compensated by the gradual, if not rapid, increase of all other branches of revenue. These branches entirely depend on the growth of the wealth in the mass of the people. A permanent settlement will contribute more than any measure that could be devised, to augment that wealth. It follows that a permanent settlement will cause all other heads of revenue, except land tax, to increase. Now in these provinces, more than one third of the total revenue is derived from taxes other than the land tax. The other taxes are increasing, the land tax alone remains stationary. In a fiscal point of view, thus, there can be no fear for the success of a measure which would, while restricting the land tax, cause all other taxes to rise.’

32. These statesmanlike views possess now a melancholy interest. From thirty years' settlement, with a promise of a permanent limitation of the State demand on the fulfilment of certain conditions, the Government came down to a ten or twelve years' settlement which, after considerable agitation, has been changed to a sixteen or twenty years' settlement. And if Malguzars having strictly complied with the conditions laid down in the Secretary of State's despatch, and publicly announced to the people by Sir

Richard Temple and his officers, come forward and claim a fulfilment of the promise given, I hope and trust, our benign Government will not refuse to give it.

### CONCLUSION.

33. The demands of the people of Central Provinces may be summarised as follows:—

(1) That they should have bestowed on them the boon of permanent settlement not by raising the land tax to the highest pitch by being assessed at sixth, eighth or twelfth of the net produce as laid down by the ancient law of Manu and the despatch of the Court of Directors of the East India Company, dated the 17th December 1856.

(2) That the land revenue of the permanent settlement be limited by statutory provision as recommended by the Royal Commission upon Decentralisation.

(3) That the *sir and khudkast* lands be free from assessment to the benefit of the *malguzar*.

(4) That no cesses or special taxes be imposed on land alone.

(5) That the rule of arrest and imprisonment for recovery of arrears be abolished. Solicitous as they have always been for the progress and prosperity of the people whose destinies an All-wise Providence has committed to their charge, our just and philanthropic rulers will, it is confidently hoped, rise to the height of the occasion, and realizing the responsibilities of their position carry out in practice the sound principles enunciated from time to time in the famous despatches of 1862 and 1867, and thereby carry out one much more needed but little heeded reform calculated to place the prosperity of the Province on a firm and secure basis.

## The Central Provinces Land Revenue Bill.

[This criticism was published in the HITAVADA when the C. P. Land Revenue Bill was just introduced in Council.]

The C. P. Land Revenue bill was introduced in the Council by the Hon'ble Mr. H. A. Crump on the 11th January 1915 and referred to the select committee on the 15th March last. The bill which has a vital bearing upon the land Revenue Administration of these provinces, needs very close, careful and intelligent scrutiny as it materially affects the land-holding classes, by far the largest majority anywhere. The select committee to which the bill is referred, will, I have no doubt, subject the provinces of the bill to careful scrutiny which their great importance demands. The vast majority of the population of these provinces depends directly or indirectly upon land for their subsistence; the agrarian policy of Government and the way in which the relation between itself and the land-holding classes are adjusted is thus a matter of vital importance. People's minds get unsettled, a feeling of uncertainty spreads all over, motives to improvement cease to operate and the general progress of the country is arrested, if there be anything unsound in that policy, or anything that is unhealthy in those relations.

The bill is so framed as to leave the Land Revenue Administration of the Province mostly to be determined by rules made by the Local Government. The best interests of the people seem to be in many cases overlooked in drafting its provisions. Its main object has been to broaden and strengthen the powers of the executive officers engaged in the land revenue administration with a consequent abridgement of the powers of the civil courts. In my opinion this procedure is uncalled for in the interests of the people affected. I venture to submit that the present bill is altogether a one-sided production. The powers of the Revenue officers should as far as possible be clearly and definitely laid down by enactment. The wording of the bill is

in many places cumbrous and puzzling, and may lead to misunderstanding in the future if due care is not taken.

The questions dealt with by this bill are of so much importance that I would like to offer a few remarks on the same. The coming debate on the bill in the Legislative Council will be awaited with anxious interest throughout these provinces. There are several points in connection with the proposed legislation which require careful thought. After what has been said by the Hon'ble mover of the bill, I think it right, as a malguzar affected by this bill, to express my opinion upon the measure. I consider some of the provisions in this new law to be improvements; but regarding others I am not so hopeful and these I will presently specify. I hope that the bill will emerge from the select committee in such a shape as to disarm all public criticism or comment and leave no contentious matters to agitate people's minds.

I propose the following essential amendments with the hope that the select committee will take them into their careful consideration:—

## PROPOSED AMENDMENTS.

### CHAPTER I.

2(5) Explanation of this clause should be deleted as it inflicts considerable hardship upon the cultivators. According to the agricultural practice, land must be allowed to lie fallow to secure a full crop. Old Hindu, Mahomedan and Maratha kings never assessed fallow and home-farm lands (vide Harrington's extract, appendix 13, at pages 97 and 98)

2(7) The words "*mukhtyar or revenue Agent*" should be retained as in the old Code. I see no sufficient reason why it should be omitted.

2(8) "Mahal" means

(a) "any local area *including* a malik makbuza plot or a survey number, which has been separately assessed to land revenue", and the remaining provision shall remain the same.

2 (10) "*Milik Makbuza*" means any person *including a malguzar, inferior proprietor or a member of the proprietary body of mahal* who owns one or more plots of land separately assessed to revenue in a Mahal. In this connection I would invite a reference to the ruling of Sir Stanley Ismay in the case of Shrikrishna Rao and others vs. Bajura and another, 15 C. P. L. R. 171. He said "The courts below decreed the claim holding that the malik makbuza rights merged in the Malguzari rights and that the Status of the plaintiffs was that of tenants. I am quite willing to concede that the doctrine of merger has no application to the case. There can be no merger unless there be two estates in the same property. The rights conferred on a malik makbuza are independent of and are in no sense inferior to the rights conferred on a malguzar. It was clear that the grant of proprietary right in their favour would only prove injurious if it led to the acquisition of tenant rights by persons to whom they sublet the holdings."

This has been followed by Mr. H. J. Stanyen in the case of Mr. Mankoo Vs. Mr. Kukoo, 4 Nagpur Law Reports 2. In spite of these two weighty expressions of the highest tribunal, I see no satisfactory reason why an independent right should merge in the malguzari right. This is quite against the ancient traditions and customs and affects us injuriously in the enjoyment of our rights. It will inflict considerable hardship on malguzaras who buy malik makbuza plots at great expense. I therefore suggest that this sub-clause shall be worded as above so that malguzaras may have full power over malik-makbuza lands. The various malguzari sabhas urged in a memorial submitted to the Local Government in 1907 that the definition of malik makbuza should be amended by omitting the words "*and who is not a malguzar, inferior proprietor, or member of the proprietary body of the mahal*", on the ground that it is a hardship to a malguzar who buys the right of malik makbuza, which includes the exemption of the holding from the accrual of tenant right. The above definition will therefore meet with

the wishes of the malguzari sabhas and it is highly desirable that it should be worded accordingly so that no misinterpretation of any kind may be possible in future. Any restriction placed on malik mukbuza is ultra vires.

2(12) Substitute the word "severally" for the word "jointly" in this sub-section. Charles James Connell said at page 82 of his Land Policy "It is a great injustice to maintain the joint responsibility as a primary method of collecting revenue, when our whole body of jurisprudence necessarily tends to the recognition of the separate status of the individual as opposed to that of communities."

Mr. Bird strongly insisted in 1832, that each pattidar should be made primarily responsible for his share of the Government revenue.

2(17) "Sir land" means the demesne or permanent home-farm land of a proprietor and includes the following:—

- (a) Land recorded as *sir* in the last record of rights framed before or after the commencement of this Act and continuously so recorded since, or which but for error or omission would have been so continuously recorded; or
- (b) Land cultivated continuously for three years before or after the commencement of this Act by the proprietor himself with his own stock, or by his servants, or by hired labour; or
- (c) Land finally recorded under section 77 as 'sir' land in the record of rights of the current settlement; or
- (d) Land recognized by village custom as the special holding of a co-sharer and treated as such in the distribution of profits or charges among the co-sharers; or
- (e) Land declared under section 124 (h) to be "sir land"; or
- (f) Land in Sambulpur Territory recorded as "Bhogra" in the record of rights of the current settlement; or

- (g) waste land which has been broken up by the proprietor or one of the proprietors thereof, and cultivated by him ;

Both the provisos to this sub-section may be retained.

In explanation I, the word "including" for the words "but not" shall be substituted, explanation II shall be retained.

2(12) Every person who, on the day when the Act comes into force, is the tenant of any holding in respect of which he, or a person whose rights he has acquired, has been recorded in any record of rights made before or after that day as an "Absolute occupancy ryot", or in terms equivalent thereto, shall, unless he has parted with his rights, be deemed to be an absolute occupancy tenant of that holding or one who can alienate his land by sale, gift, mortgage, device or bequest, lease or otherwise on payment of one year's rent as malikana to the malguzar ;

2(12a) Every tenant who, when this Act comes into force, had held the same land continuously for six years otherwise than as an absolute occupancy tenant or a sub-tenant, and every person who is at the commencement of this Act, or thereafter becomes a tenant (not being an absolute occupancy-tenant or a sub-tenant) of land, shall be deemed to be an occupancy tenant of that land provided that land is not:—

- (a) Sir-land, or
- (b) Held in lieu of wages, or
- (c) Held under a written lease in which it is expressly agreed that a right of occupancy in the land shall not be acquired or that the tenant shall put the land at the termination of the lease, or one who can alienate his land by lease, sale, gift, mortgage, bequest or device, or otherwise on payment of two years rent as malikana to the malguzar.



2(19b) Every tenant who is not an absolute occupancy tenant, or an occupancy tenant, or village service tenant or a sub-tenant, is an ordinary tenant or one who can alienate his land by lease, sale, gift, mortgage, bequest or device, or otherwise on payment of three years' rent as malikana to the malguzar.

2(19c) A tenant of a holding who has been recorded in the paper of the last preceding settlement or who is recorded in the papers of the current settlement of the area in which the holding is comprised as holding as land rent free or on favourable terms on condition of rendering village service is a village service tenant who cannot alienate his land by sale, gift, mortgage, device or otherwise. When a village-service tenant dies, resigns or is lawfully dismissed, his right in his village service holding shall pass to his successor in office.

2(19d) A tenant who is not an absolute occupancy tenant or an occupancy tenant, and who holds land from another tenant, or from a malik makbuza, or from the holder of a survey number, is a sub-tenant of that land.

2(19e) Rent means whatever is paid, delivered or rendered, in money, kind or service by a tenant on account of the use or occupation of land let to him.

2(21) To be deleted as most of the statesmen are against the imposition of this cess.

2(22) The word "*improvement*" shall be clearly and properly defined on the lines of section 3 of the Land Improvements Loans Act of 1871. section 76 of the Bengal Tenancy Act of 1815 and section 4(2) of the Land Improvements Loans Act 19 of 1883 which is as follows:—

"Improvement" means any work which adds to the letting value of land, and includes the following, namely :—

- (a) Wells, tanks, and other works for the storage, supply or distribution of water for agricultural purposes or for the use of men and cattle employed in agriculture ;

- (b) The preparation of land for irrigation;
- (c) The drainage, reclamation from river or other waters of protection from floods or from erosion or other damage by water, of land used for agricultural purposes or waste land which is culturable;
- (d) The reclamation, clearance, enclosure of permanent improvement of land for agricultural purposes;
- (e) The renewal or reconstruction of any of the foregoing works, or alteration therein or additions thereto.

### CHAPTER III.

21 Delete the words "subject to any rules which the Chief Commissioner may make in this behalf." These words are not inserted in section 192 of U. P. Act.

22(1) The words "subject to any rules made under section 246" and the words "or rules made there under or under any law for the time being in force", shall be omitted as these are not provided in section 193 (4) of U. P. Act.

(3) The words "as the officer summoning him may direct" shall be omitted.

33 (b) The words "with the permission of the officer" shall be cut out. This is not provided in the U. P. Act.

### CHAPTER IV.

33 (1) Appeals shall lie under this Act as follows:—

(a) to the Deputy Commissioner, Record Officer, or Settlement Officer, from orders passed by any Assistant or Extra Assistant Commissioner, Tahashildar or Naib Tahashildar, Assistant Record Officer or Assistant Settlement Officer respectively ;

(b) to the Commissioner for orders passed by a Deputy Commissioner, Record or Settlement Officer ;

(c) to the Financial Commissioner from orders passed by Commissioner, sub-clauses 2 and 3 shall be deleted.

Unqualified powers of appeal shall be provided in these sub-sections.

(2) For the purposes of this chapter the word "order" includes a declaration of assessment under section 97, and a partition proceeding under Chapter 12 of this Act.

I urge that in the case of any difference between cultivators or malguzars and settlement officers in the matter of assessment, an appeal be allowed to an independent judicial tribunal not concerned with the fixing and levying of the land tax. This is a very just demand in the interest of justice and fair play.

34 (A, B & C) No limitation of time shall be fixed for appeals in revenue cases of this kind.

Section 46 (2) p, c, f & g. The signature of malguzar is necessary on all the village administration papers in order to avoid inaccurate statements being written by patwaris and revenue inspectors.

49. The limitation of thirty days is undesirable. It was not contemplated in the old section 126. General provision exempting proprietors from reporting may be included in this section.

53, 67 & 90 :—In these clauses it is improper to attach too much presumption to the record or papers prepared by the patwaris and revenue inspectors. These papers are prepared after summary enquiries. To presume such papers to be true or correct would be open to objection in many ways. It would scarcely be just to place so much evidentiary power in the hands of low paid subordinates specially in cases in which rights and titles to immovable property are concerned.

57 (1 to 3) contain new insertions which are quite unprecedented in agrarian history. This section requires deletion as it imposes a further burden on malguzars and tenants. Section 60 shall be modified on the following lines:—

60 (1) All disputes regarding entries in the annual registers shall be decided on the basis of possession.

(2) If, in the course of enquiry into a dispute under this section, the Deputy Commissioner is not satisfied as to which party is in possession, he shall ascertain by summary enquiry who is the person best entitled to the property, and shall put such person in possession.

(3) All disputes regarding boundaries between Mahals or regarding dhuras of each khasra or an encroachment shall be decided by the Deputy Commissioner, or by an Assistant Commissioner of the first class on the basis of existing survey maps; if this is not possible, the boundaries will be fixed on the basis of actual possession. All proprietors or tenants concerned shall have an opportunity of appearing and producing evidence.

(4) The Deputy Commissioner shall give effect to his decision by placing the proprietors of the mahals or pattis or tenants of the fields in possession in accordance with his decision, and shall demarcate the boundary on the ground on the basis of existing survey maps, and shall pass such orders as may appear equitable regarding the rights of any tenants or persons cultivating the land in dispute.

(6) When two mahals of which the boundary is in dispute are situated in different districts or divisions, the Commissioner or the Financial Commissioner, as the case may be, shall appoint a Deputy Commissioner or an Assistant Commissioner to decide the dispute.

(7) No order as to possession or disputes regarding boundaries or encroachment passed under this section shall debar any person from establishing his right or title or proprietary or tenancy right to the property in a civil court.

The Hon'ble mover made an attempt to withdraw the powers of civil courts in settling the disputes of boundaries. I must certainly protest against any step that has a tendency to oust or encroach upon the legitimate province of the judiciary. Besides, nowhere in other sister provinces, an attempt to take away the powers of judiciary in this matter has been made.

## CHAPTER VI

61 to 67 shall be omitted as these operations create unnecessary harassment. A number of eminent statesmen are against re-survey.

## CHAPTER VII.

68 to 91 shall be deleted and provisions for permanent settlement shall be made in this chapter as promised by Sir Richard Temple in 1862. As I have elaborately discussed the question of permanent settlement in your issue of the 10th April 1915, I do not wish to deal with it at length here. Sir Richard Temple in his administration report for the year 1961-62 and in paragraph 128 of his report for 1862-1863 advocated at length the advantages of permanent settlement. He further recommended permanent settlement to the Government of India in his letters Nos. 532 and 38 dated the 22nd July 1862 and 8th October 1862. Sir C. Wood sanctioned permanent settlement generally for the whole of India in his despatch dated 9th July 1864. Lord Lawrence recommended permanent settlement in his despatch of 8th June 1864. Sir C. Wood reaffirmed his approval of permanent settlement in paragraph 18 of his despatch No. 11 dated 24th March 1165.

Again in his despatch No. 15 dated 23rd March 1867 Sir Stafford Northcote sanctioned the permanent settlement for the whole of India. It is time that the rulers of these provinces should rise to the height of the occasion and redeem Sir Richard Temple's promise by making a provision in this Act.

After the formation of the C. P. Administration, Sir, Richard Temple issued the following instruction on the term of settlement in his Settlement Code, Part II, page 13 :—

“The Government of India has, in a letter from the Secretary to the Government of India No. 60 of 21 March 1862, sanctioned the term of 30 year for the settlement now in progress throughout these provinces.” The landholding classes must confess to a feeling of deep disappointment at

what they cannot but regard as an abandonment without adequate cause, of a policy dictated by high motives of statesmanship, and which, they had been led to believe would be permanently binding. If over fifty years ago, when the province was still in a greatly undeveloped state, it was not considered an unreasonable sacrifice of the rights of the State to have a settlement for thirty years, the people can scarcely be blamed if they fail to appreciate the justice or the expediency of the abrogation of the rule at a time when almost the whole province has been linked by railway with principal centres of trade. If a long term settlement was the right policy when the land yet awaited development it cannot cease to be so now, after the great rise in the level of prices; and the extension of cultivation which has taken place during the past half a century. There is no prospect in the future of any large increase in prices, or any considerable extension of cultivation. There is no reason therefore for withholding from the people of the Central Provinces a permanent settlement, which was promised to them over fifty years ago—a promise which has never been redeemed.

However, I suggest the following modifications in this chapter in some sections: 68 (1) In this clause, all land, to whatever purpose applied, is made liable for the payment of revenue. I suggest that in every village every cultivator should be allowed to have some grazing lands for agricultural and other cattle, and these lands should not be assessed to revenue. The question of the adequacy of grazing lands is of the greatest importance to agriculturists for keeping cattle and collecting manure. They must have their plough cattle as well as land for grazing. There are complaints from all quarters that agricultural live-stock is decreasing steadily year by year. This is most unfortunate and must lead to the impoverishment of the cultivator, the deterioration of his soil and the impairing of his capacity to carry on cultivation. The decrease of grazing area is solely responsible for the decrease of live stock as well as scarcity of manure. The pitch of assessment is so high that it leaves no

margin for the cultivators to allow them to have a portion of their assessed lands uncultivated to be used as grazing land. Unless sufficient grazing lands are allowed to be unassessed in every village the deterioration of plough cattle and scarcity of manure is bound to continue. It is an admitted fact that cultivators will not flourish unless the land is thoroughly manured.

The practical effect of this provision would be to enable Government to assess all land which under the existing custom is free from payment of rent or revenue. Sites in the village abadis or in towns would at once be liable to even though it is not customary to assess rent or revenue on such land. It would be a hardship on the malguzars who, under clause 225 of the bill, will be bound and are at present bound to allow rent free sites to agriculturists and their labourers. It would also be a hardship on persons owning lands or houses within municipal areas which are more or less taxed heavily, they have to pay revenue for land though it does not belong to Government. It will also enable Government to charge revenue on village grazing grounds and forest land in which people have got a right of free nistar. Any attempt which is likely to interfere with the existing rights and customs should be avoided. This clause should be so remodelled as to preserve in fact all recognized customs and rights and to leave sufficient free pasture land for agricultural cattle to graze.

76(3) Should be entirely deleted as it injuriously affects the ancient privileges and rights of private property in the soil.

77(3) Substitute the words "three" for the words "six" in this sub-section. The two provisos shall be omitted as no restriction of area to be held by the proprietor as sir was placed in the U. P. Code.

(87) To be deleted. The Jubbulpore Landholders Association and Mr. R. C. Dutt and several others are

opposed to the imposition of any cesses on cultivators' land. Mr. Charles James Connel was entirely against the imposition of cesses (*vide* page 145 to 147 of his Land Revenue Policy). Lord Northbrook showed great firmness and wisdom in setting his face steadily against all proposals for exacting a larger revenue from the land than the assessments calculated at half assets would afford. He further expressed his view in a concise speech:—

“I wish to observe that, in my opinion there is no necessity for imposing new taxes in India, and revisions of the land settlement should be conducted with great moderation and consideration for existing interests.

I have never been able to understand why the landholding classes, out of all the classes of the Indian population, should be specially singled out for taxation for support of education, roads and post offices. If it is necessary to raise revenue, apart from the general revenues of the Empire for these objects, why should not a tax affecting the entire population in a fair and equitable manner, be introduced, instead of a tax which falls on one class alone? It is no security to limit the Revenue demand, and then to go on imposing other burdens on land, and try to differentiate them by calling cesses instead of additions to the revenue, which they really are. The question of the cesses was discussed before the Parliamentary Committee which sat on the subject of Indian Finance in 1871-74. I give below the opinions of Mr. Fawcett, who was one of the members of the Committee, and of Sir Charles Wingfield who was examined as a witness.

“Mr. Fawcett:—The thirty years' settlement, in fact, becomes a meaningless farce if, after you have made a thirty years' settlement, you can impose new cesses on the land at the free will of the Government.

Sir Charles Wingfield:—So it has always appeared to me.

Mr. Fawcett:—And according to this action which the Government has taken, the proprietors of Oudh have no



security whatever; that, if the exigencies increase, they may not find cess after cess to any amount imposed. Sir Charles Wingfield:—Certainly not."

(91) This clause should be omitted as it encroaches upon the judicial discretion. It is not proper to bind down the civil courts by the decisions or records of the settlement officers as is laid down in this clause.

(92) Land should be assessed according to the principles laid down in Manu's Code.

(93) This is to be omitted as statutory provision made in section 92 above.

(97) The rent rates and assessments shall be fixed on the out-turn of crops actually ascertained by measurement in each field in the presence of malguzar and tenant. Unless this is done I do not think that the rent rates and assessments will be just and reasonable.

(99) In this section provision ought to be made laying down the steps the malguzar should take if he does not accept the assessment.

#### ASSESSMENT.

Section 92 to 110 should be deleted and provision made to assess the land according to the picture of the Hindu Society presented by the Code of Manu. According to Manu the King's share was one-sixth, one-eighth or one-twelfth according to the nature of the soil and labour necessary to cultivate it; but in times of prosperity (peace) the King should only take one-twelfth of the net produce, while in times of urgent necessity he might even take up to one-fourth; this is the King's due on account of the protection he is bound to afford to the cultivator. In olden times taking one-sixth of the produce was stigmatized as rapacious.

Upon everything produced from the earth there is due a tenth or 'ashir usher' whether the soil be watered by the annual overflow of great rivers or by periodical rains, excepting articles of wood, bamboos and grass, which are not subject to tithe. Lands watered by means of buckets or machinery, such as Persian wheels, or by canals are

subject to only half tithes (Hidayah, volume 1 page 44 Hughe's Dictionary of Islam (1885) page 283.

Nations in civilized countries depended on the soil; and civilized Governments thoroughly realised that nations could not prosper if the soil was over-assessed. An excellent resume of the land-tax in ancient times had appeared in the *Pioneer* of Allahabad dated 28th April 1900, from which I take the following extract:—

“It would appear that in the greater part of the ancient world one-tenth of the produce of soil was regarded as a proper contribution to the public exchequer. One tenth is said to have been taken in ancient Greece, in ancient Persia, in China, and in Burmah; and one-tenth was the nominal demand in similar circumstances under the Republic of Rome. One-tenth was again the levy of the Sacerdotal class under the Jewish theocracy; and one-tenth was the impost with which Samuel threatened the children of Israel as the price if they insisted on the appointment of a king. “And he will take the tenth of your seed and your vineyards and he will take the tenth of your sheep”.

Among the ancient Hindus also the land-tax was moderate, and ranged between one-twelfth and one-sixth of the produce of the soil: and this land-tax was what the actual cultivator paid. These rates are mentioned in all the best known works on Hindu law; and Greek and Chinese travellers who visited India between the fourth century B. C. and the seventh century A. D. attest to the mild and moderate land-tax of India, and to the prosperity of the agricultural population. I take a few extracts from Hindu Law Books of recognized authority.

#### GAUTAMA.

Cultivators must pay to the king a tax amounting to one-tenth, one-eighth, or one-sixth of the produce (*vide* Gautama's Dharma Sutra 10.24.)

#### VASISHTHA.

But a king who rules in accordance with the sacred law

may take the sixth part of the wealth of his subjects (*vide* Vasishtha's Drama Sutra 1. 42.)

### MANU.

A fiftieth part of cattle and gold may be taken by the king, and the eighth, sixth or twelfth part of the crops (*vide* Manu's Dharma Shastra 7. 130.)

That the maxims thus laid down in Hindu Law Books were generally followed in practice, and that agriculture prospered in India under a very mild land tax, is proved by the testimony of all Greek and Chinese travellers who visited India in the ancient times.

The despatch of the Court of Directors dated 17th December 1856 affirms the principle that the land assessment is revenue and not rent, laying down that the right of the Government is not a rent, which consists of all the surplus produce after paying the cost of cultivation and the profits of agricultural stocks, but a land revenue only, which ought, if possible, to be so lightly assessed as to leave a surplus or rent to the occupier whether he, in fact, let the land to others or retain it in his own hands.

The Hon'ble Sir Gangdhar Rao Chitnavis, the respected member of the landed aristocracy of these provinces, in a letter to the *Pioneer* of Allahabad dated 1st December 1900 said:—

"In connection with this, I may remark that while deeply grateful to Mr. R. C. Dutt for his able and disinterested advocacy I am not prepared to go with him when he says that our tenants' rents are above the standard he lays down, viz. one-sixth of the produce. Even after revision they are lower than what that standard would allow".

Sir Andrew Fraser, in paragraph 25 of his note dated the 9th April 1901 to the Government of India said "the rental of no district exceeds 15 percent of the normal produce. The highest fraction reached is one seventh, while in some districts the proportion does not exceed one-fourteenth".

Sir J. B. Fuller in para 8 of his letter No. C. 290 dated

the 1st December 1900 addressed to the Hon'ble the Chief Commissioner says that "it is quite certain that in the majority of our districts the rental is far below a sixth of the produce, and that the adoption of Mr. Dutt's rule would warrant a very large further enhancement. In four districts the rental is less than 10 per cent. of the produce; in one it is 10 per cent, and in the three others it is respectively 14, 15 and 16 per cent."

Mr. L. S. Carey in para 28 of his letter No. 50-147 dated the 8th January 1901 addressed to the Hon'ble the Chief Commissioner said "that over the provinces taken as a whole the rental value absorbs little if anything over 1-10th of the gross produce."

I would draw the attention of the authorities to paragraph 305 to 313 of the Chanda District Land Revenue settlement report of 1896 which fixed the State share of the estimated gross produce at 1/12th, 1/16th, 1/20th, 1/30th and 1/40th part.

Again paragraphs the 250 and 251 of the Mandla District Land Revenue settlement report of 1868-69 fixed the State demand at 1/10th and 1/16th of the gross produce

In accordance with the above weighty expressions of opinion the land-holders pray that a provision should be made in the present Act to the effect that 1/12th of the produce shall be taken in times of prosperity, while in times of urgent necessity or distress it may take even upto one fourth.

Under the Maratha rule, the patels used to realize many direct taxes such as plough tax, marriage tax, a tax on offences, oil-tax, &c., from tenants in addition to rents and 25 per cent commission on the gross revenue collections plus free unassessed enjoyment of their home-farm. Thus the patels' profit amounted to 60 per cent.

In the Settlement Code which Sir Richard Temple is with the sanction of the Governor-General (*vide* para 135 of his Administration Report for 1862-55), he laid down two important principles, which were to regulate the assessment

of the Government demand. These were (a) that the Government revenue should be about one half of the assets, and (b) that the assets which were to be the basis of the assessment should be "*will ascertain*" "*real*" assets.

The first principle is embodied in what is known as the Saharanpur Rule. Now it has been contended that the rule was only in force in that part of the province, which constituted the old Saugor and Nerbudha territories. Regarding the applicability of this Saharanpur rule, it is no doubt the case that originally it was introduced under the orders of the Lieutenant-Governor of the N. W. P., in the Saugor and Nerbudha territories which, before the formation of the C. P. Administration in November 1861, were administered as an adjunct of the N. W. Provinces. When, however, these territories, along with the Kingdom which had lapsed on the death of the Bhosla Raja of Nagpur, were consolidated under one central jurisdiction under a Chief Commissioner, Sir Richard Temple, the first Chief Commissioner, issued a Code, which was to regulate the work of settlement throughout the newly-constituted province. The only rule of percentage which finds a place in this Code is the half assets Saharanpur rule. Its unqualified inclusion in the Code made it necessarily applicable to all the districts in the province and not merely to the eight districts formerly known at the Saugor and Nerbudha territories. Whatever authority it possessed, it possessed in an equal degree throughout the province as the administrator and codifier was one and the same for the whole province. It is difficult therefore to see how the case of the Saugor and Nerbudha territories can be differentiated from that of the old Nagpur Province of the Bhosla dynasty. Para 319 at page 178 and concluding portion of para 299 at page 142 of Chanda District, Land Revenue Settlement Reports of 1869 and paragraphs 55 to 60 at page 22 to 24 of Sambulpur District Land Revenue Settlement Reports of 1876-77 amply bear out the fact that the half-asset Saharanpur rule did apply to the Nagpur Province of the Bhosla dynasty and the Chhattisgarh territories.

Therefore according to Sir A. P. Macdonell's evidence before the Currency Committee (replies to question 5727 to 5740 ), Government demand should be fixed at 40 per cent of the rental including cesses in this Act. This will protect the interest of malguzars. Mere executive orders are no consolation to them. This sound principle has been recommended by the Royal Commission upon Decentralization in para 252 of their report.

I do not believe in district or provincial averages which are purely mathematical calculations and are always erroneous. Lord William Bentick, in his weighty minute dated 26th September 1832, said:—

"In fixing the assessment of the lands of any village the safest guide is the actual produce and collection of former years."

It has been expressly stated by Sir Thomas Munro that calculations of produce which proceed from the details to the aggregate are apt to be erroneous. Sir Auckland Colvin confirmed the opinion of Sir Thomas Munro by saying that experience has abundantly proved the justness of this statement.

Mr. A. Rogers, one of the ablest authorities on Land Revenue, said "that the attempt to arrive at any reliable estimate of the average produce per acre in any considerable tract of country is illusory and misleading."

In these circumstances I would suggest that land assessment shall be based on actual produce. A statutory provision shall be made in this Act to that effect.

Sections 111 to 115 deal with raiyatwari system. The raiyat should also have bestowed on it the boon of permanent settlement. The assessment should be fixed at 1/12th of the produce.

#### CHAPTER VIII.

Sections 116 to 119 may be omitted.

#### CHAPTER IX.

121. The words "at such intervals as may be prescribed by the Chief Commissioner" should be omitted.

## NEW CLAUSE.

122. Every holder of land, paying revenue in respect thereof, shall be entitled to a decrease of assessment if any portion thereof, not being less than half an acre in extent nor less than one tenth of the holding, is lost or diminished by diluvian or fluvial action or otherwise, or the soil is permanently or temporarily deteriorated or impoverished by constant cropping.

The word "holding" in this section shall be deemed to mean a survey of khasra number of any division of land on which a distinct or aggregate assessment has been fixed; [paras 37 and 38 (13 of the Government of India Resolution dated 16th January 1902 and Emperor Alum Geei's Firman Nos. 4, 10 and 18 to Mohamed Hussain in the year (1868—69) are in support of this view.

## NEW CLAUSE.

122 A. Any improvement that has been or may be effected on any land during the currency of any previous settlement by or at the cost of the holder thereof, by means of Government loans or by means of local Funds to which such holder has contributed or by his own capital, the increase in the value of such land or in the profit of cultivating the same, due to the said improvement, shall be permanently exempted from assessment to revenue. (The Famine Commission of 1880 has made to his recommendation.) The Famine Commission of 1901 in para 315 and 316 of its report and the Irrigation Commission of 1904 in para 179 and 180 of its report recommend such exemption. Section 11 of the Land Improvement Loans 19 of 1883 also provides for this concession.

154 (H) After the words "Revenue Officer" and behind the word "land" insert "or on an application being made by the malguzara".

Section 126 132 should be omitted as they interfere with the proprietary rights of malguzars. It is simple equity to leave such vital question to the decision of the civil courts.

Sections 133 to 136 should be omitted. My reasons for this omission are the same as for the above.

#### CHAPTER XI.

Sections 137 to 181. In this chapter the arrest, imprisonment and the other stringent rules should be omitted. If the land revenue is not paid in time, the Government may sell the defaulter's property and recover the same. This provision is quite sufficient to recover arrears. The Jubbulpore Landholders' Association also expressed the same view in regard to land revenue recovery. Section 151 of the present Land Revenue Act was so amended as to give Government full right to all minerals and to all mines and quarries and their products. The right of Government to all minerals of great commercial value such as coal, manganese, iron, lead, gold, silver and precious stones, etc., is recognized by the existing law, but the broader scope of the amended section includes ordinary kunkar stone, brick, clay, sand, etc., within the category of minerals and therefore tends to deprive the proprietor of the village a certain amount of income from this source. This section therefore should be remodelled on the lines of the old section.

Some drastic changes in the existing revenue law of these provinces, which will affect the interests of the malguzars to a material extent, are embodied in clauses 224 and of 225 of the bill, and relate to the management of malguzari forests by the Government and to the curtailment of the rights of malguzars to house sites in villages. I suggest that these drastic changes should be altogether omitted from the bill. It would not be satisfactory to leave it entirely to the discretion of the settlement officer to exclude any village he chooses from the operation of this clause.

#### CHAPTER XIV.

240 (1) shall be deleted as there is no such provision restricting the powers of civil courts in the U. P. Act.

246 (2) should be omitted and the following clause substituted for it :—



“The Chief Commissioner shall before making any rules from time to time, publish in the local official Gazette for the information of all persons a draft of the proposed rules together with a notice specifying a date on or after which the draft will be taken into consideration, and shall before making the rules final, receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified. After hearing such necessary objections and suggestions, and after making such necessary modifications, the rules shall be finally published in the local official Gazette. After such final publication, rules shall have the force of law and shall have effect as if enacted in this Act.

In the matter of the power to make rules and prescribe penalties which the Hon'ble the Chief Commissioner has under this clause, it is just and proper that there should be a publication of the draft of the proposed rules for the information of persons likely to be affected thereby. The efficacy of such a provision in a substantive law is felt by more than one Government and I find it in the Imperial Act 1 of 1883, in section 35, in the Bengal Act (No. 8 of 1885,) as modified upto 31st May 1907, in section 190, and as also in section 266 of the Bengal Act ( 6 of 1908 ). I trust that this Government will follow the principle adopted in the aforesaid Acts.

The Governor General, in his instructions to the then British Resident at Nagpur dated the 7th March 1854, laid down that the guiding principle which should pervade the new administration was to establish plain, simple and efficient regulations on the basis of the ancient usages and laws of the country. In consonance with these construction Sir Richard Temple included in his Settlement Code of 1861 the half asset Saharapur Rule and the settlement officers of the sixties assessed the land-tax on the principles laid down by the ancient law of Mauu and thus granted the landholders of these provinces substantial concessions. But the present Land Revenue Bill, instead of establishing plain, simple and efficient land regulations, seems to be contrary to the ancient usages and laws of the country. The proposition is so

obvious that I do not know that any authorities are needed in support of it. Yet I will quote one, and will select that one, because it will answer a double purpose. Sir Douglas Straight was an eminent Judge of the Allahabad High Court. And perhaps he was even better known in England than in India, and was, I believe, the Editor of one of the most influential and powerful organs of Conservative opinion in England. Writing in the *Times*, he said as follows :—

“ Speaking from thirteen years’ residence in India during which, I hope, I kept neither my eyes nor ears shut, I am firmly convinced of one thing, and it is this—that while innovations and changes there should only be very gradually and cautiously introduced, a concession once made should never be withdrawn, except for reasons of the most paramount and pressing emergency

In the Imperial Council on the 13th March 1908 the Hon’ble Sir G. M. Chitnavis asked :—“ Is it true that an amendment of the Central Provinces Tenancy Act is contemplated by Government ? If so, will Government be pleased in consultation with the Hon’ble the Chief Commissioner of the Central Provinces to remove the just grievance of the malguzars by amending the provisions relating to khudkast lands on the lines suggested in their memorials to the Local Government, as also section 61 of the Act which operates with unusual rigour on tenants in their relations with sub-tenants, as pointed out in the presidential speech delivered at the Jubbulpore Conference, held on 14th April 1906 ?

The Hon’ble Sir J. O. Miller replied :—“ No proposals for the amendment of the Central Provinces Tenancy Act have been received by the Government of India, and it is understood that the Local Administration consider the amendment of the Land Revenue Act a matter of great urgency. The Government of India have no doubt that when these Acts are amended all suggestions for their improvement will receive the most careful consideration from the Local Administration.”

In accordance with the above promise, I confidently hope that our benign Government will seriously take into consideration the above suggestions as well as those which I have made in your issues of the 27th February, 6th March and 10th April 1915, and give effect to them, as far as practicable, in the Tenancy as well as in the Land Revenue bills.

As the land legislation is a question of great importance to the agriculturists, the Government will extend their full sympathy to them and in framing these Acts I have no doubt they will give due weight to all the representations from those whose interests are sought to be affected.

# The C. P. University Committee's Report.

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The Committee, appointed to draw up a scheme for a University for this Province has submitted its report to the Local Government and the latter have now offered it for public criticism. So far as I know, none has yet come forward with any criticism of this scheme. The Graduates' Association of Nagpur, with Dr. Gour as its President, ought to have taken the lead in subjecting this report to a detailed criticism; but they have not yet done so. Probably they may yet do so shortly. In the meanwhile, it is well to remember that criticism, to be of any value, must reach the Local Government before the 1st of November next, when the Hon. the Chief Commissioner will take the report and any public criticism that may be passed on it into consideration. I, therefore, send you a few observations, mainly with a view to initiate discussion of this important subject. The proposal to found a University in Nagpur is of a long standing. When the University Commission submitted their report in 1902 they referred to the proposal to create a new University at Nagpur having received both official and non-official approval. Including the colleges at Indore and Rutlam and one that would come into existence in Berar a speculative total of 8 or 9 Colleges was suggested for incorporation into the proposed University. It is now thirteen years since that Commission framed its report and we are just in possession of another Committee's report. How long it will take for the full scheme to mature and materialize specially in view of this disastrous war, it is not possible to imagine.

One thing, however, is clear. The estimate of the funds required for the proposed University for recurring and non-recurring expenditure given in chapters XIV, XV of the Report are so heavy that the scheme cannot be expected to be put into operation for a good long time. The non-recurring expenditure alone comes up to a crore and the real

annual recurring expenditure is estimated at about 9 lakhs per annum. It appears improbable that Government would be able to find the funds required for a good long time.

The realization of the full scheme being thus a far-off event, what seems to be of immediate practical importance is, that as soon as funds permit, a college should be founded at Amraoti and thus relieve the pressure on the Nagpur Colleges, so that more boys could receive the benefit of higher education. I do not think there should be any hurry in the matter of founding a University for this Province. What we want is more colleges and more facilities for our boys receiving higher instruction. This object will be better attained by founding more colleges at different centres, not by concentrating all the colleges in a locality miles away from the principal centres of population.

The Report says that India cannot now remain content with a mere affiliating and examining University and points out the difference between University education and University degree. The Committee also aim at the improvement of the life and character of the boys receiving higher education. All these objects are good, but, I believe, that a backward province like ours is not the place where such intensity of culture should be aimed at. As for improvement of life and character, the present Principals and Professors of colleges, if they are the right sort of men, could do it as well as any others that find a place in the proposed University.

It appears to me that our aim at the present stage of our development should rather be a wider diffusion of University culture than concentration of, perhaps, a more intensive University culture amongst a few fortunate ones. I believe this is the point of view from which the public of this Province will look at these recommendations. There is thus a difference in the angle of vision between the C. P. public and the majority of the University Committee at the very start. There is bound to be a wide divergence of opinion, therefore, when we come to the detailed criticisms of the proposals made by the Committee.

In my last communication on this subject an attempt was made to show that what was wanted here in this province, at the present stage of its development, was not the creation of an ideal University but the wider diffusion of what is known as University culture. Whatever may be said on the other side, there is a general feeling abroad that the recent cry for efficiency and more efficiency in matters educational is to a very large extent due to the supposed effect of education on the political situation in the country. There may be some truth in it or there may be none. But when efficiency to the general community comes to mean only a curtailment of the facilities for secondary and higher education already enjoyed, it is natural that there should be considerable dissatisfaction. It is disirable from every point of view that such an impression should be removed and it is a fortunate circumstance that this can be done.

The reason why a sort of political colouring has been given to all educational questions is to be found in the fact that many prominent European and Anglo-Indian publicists have traced most of the political unrest of recent times to the influence of discontented B. A.'s, passed or failed (it does not matter which). The reasoning is somewhat as follows:-- "These so-called educated men, it is said, have not been trained to earn their livelihood by any independent means. One and all, they look to Government for employment. Whether they are B. A.'s or simple Matriculates, the goal of nearly one and all is Government service. Matriculation or a University degree has thus acquired the character of a mere qualification for Government service. Those who feel that they are thus qualified, when they fail to obtain any such service, naturally hold Government responsible for the disillusionment of a" their fond hopes. Education, whether secondary or higher, had thus acquired the character of a passport to Government service and when disappointment comes in the end, as it is bound to, the dissatisfaction is turned against Government. Even in the case of professional examinations, the situation is not much better. If a

pleader or a doctor does not get enough lawsuits or patients, Government is again the victim. It is thus that more educational facilities in this country have come to mean only more trouble for Government. Let us therefore stop or curtail the manufacture of these candidates for Government service." This is the sort of reasoning that is supposed to have led to the modern policy of higher efficiency, which interpreted in another way has come to mean, as said above, curtailment of facilities for education, both secondary and higher. That such an impression is almost universal amongst the Indians is undoubted and it is most unfortunate that they should be allowed to continue to labour under it. A prominent Madras gentleman made a suggestion in this connection the other day which deserves the most careful attention of Government. It was the Hon'ble Dr. T. M. Nair of Madras who made it, but I am sorry I cannot give the quotation here. He suggested that all candidates for Government service, irrespective of whatever University examination they may or may not have passed, should be made to subject themselves to a competitive Government test, whenever a recruitment has to take place to fill up existing vacancies. Such a number of candidates alone should be selected as top the list and are enough to fill the vacancies available. This will take away whatever fictitious value University examinations have acquired as passport to Government service. The educational institutions in this country will then be set free from all these people whose objective is merely a Government post. A provincial board, appointed for each province somewhat on the analogy of the Civil Service Commissioners should thus be able to afford considerable relief to the educational institutions in the country. Private institutions in the country will then arise to impart instruction to such as seek it for obtaining entrance into Government service. Such a step will revolutionize the existing method of recruitment to Government service no doubt, but it will, once for all, free the educational policy of the State being under the suspicion of having been constructed only to curtail the manufacture of B. A.'s. I have entered

somewhat into detail as regards this matter, because from the point of view from which I am going to approach the consideration of this matter, it is necessary that these matters, which are really extraneous to the question of the wider diffusion of University culture for which I am pleading, should be disposed of at the outset.

I will therefore assume that a larger annual output of men with University culture has no terrors for the State. As I have already said in my first article, it is not men with deep learning and scholarship, such as, they say, they turn out in some of the western seats of learning,—it is not such men that are the chief desideratum in this province; we can import them from outside if they are available. What we want here is a wider diffusion of what is known as university culture; and for this purpose a larger number of colleges and lecture-rooms and lectures are the things that are wanted. To attempt to create here, in this backward province, a University with a more ambitious programme than this, at the present time, can never secure popular approval. Whatever therefore, tends to decrease or put a check upon the natural expansion of the number of boys receiving instruction in our schools and colleges is bound to be adversely commented upon by the public in this province.

Starting as I do with these ideas, it is inevitable that the restriction as regards the number of non-collegiate students attending colleges, should form the first object of my attack.

The Right Hon'ble Viscount Bryce, in one of the addresses to an American University has drawn this picture of the American Universities as regards their scope, ideals and aims:—

“Whereas the Universities of Germany have been popular, but not free and those of England free but not popular, yours like those of Scotland are popular and free. Their doors are open to every one and every one enters. Many of them allow the student a wider choice among subjects of study and leave him in other ways more free to do as he pleases, than in the case in any other institu-



tions in the English speaking world". Again he says :—  
 "Nor is it only that your Universities are accessible to all classes. They have achieved what never has been achieved before,—they have led all classes of the people to believe in the value of University education and wish to attain it. They have made it a necessary part of the equipment of every one who can afford the time to take it. In England and in Europe, generally, such an education has been a luxury for an ordinary man though it may have been reckoned almost a necessity for those who are entering one of the distinctively learned professions. But going on to found and support and manage institutions supplying the higher forms of education at a low and merely nominal charge, you of the American West, went further than any other community in the English-speaking world".

Thus from the above description of the American Universities we find that they possess the following special features :—

1. The Universities are accessible to all classes and their doors are open to every one.
2. The University education in America is considered the necessary part of the equipment of every man.
3. Higher form of education is supplied at a low and merely nominal charge.

Coming to the Universities of Scotland, it is found that they resemble the Universities of America. They are more numerous, better distributed, less expensive and consequently receive many more pupils than the English Universities. "The four Universities of Scotland are different from the English and rather resemble the Universities of Germany. Though far less equipped than are the latter,—for Scotland has been comparatively a poor country,—they have always given a high quality of instruction and produced a large number of remarkable men. There are no residential colleges like those of England, so the undergraduates live in lodgings where they please and thus there is less of social life

but the instruction is stimulating and the undergraduates being mostly poor men and coming from a diligent and aspiring stock are more generally studious and hardworking and self-reliant than are those of Oxford and Cambridge". This is what Viscount Bryce has said; and nobody can presume to know better. From the above, it can be seen that the Universities of Scotland possess the following characteristics:—

1. The Universities are numerous and better distributed.
2. Education is cheap.
3. There is no residential system.
4. The Universities are accessible even to poor sections of the community, and consequently they educate a very large proportion of the people.

It is clear therefore that the principle of the restriction of the number of non-residential boys, as it obtains in our University Committee's scheme, is not well-conceived. If matters be as they are represented here, in advanced countries like the United States and Scotland, how much greater hardship will it cause in India if what practically amounts to a residential system be adopted straight off?

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# Land Assessment.



[ Letter sent to the Financial Commissioner, Nagpur,  
C. P. 21st July 1915 ]

In support of my appeal for the reduction of assessment of mouza Singori, situated in the Ramtek Tahsil of the Nagpur District, I have the honour to enclose herein for your perusal a copy of my arguments on the subject and request that you will kindly reconsider your decision.

I still maintain and uphold that the Settlement Officer did not give me the least opportunity of discussing with him on the question of assessment nor did he ever issue me a notice of meeting him at my village. He was not bound to consult, and did not consult, either myself or my tenants in fixing the rent, although the rent, thus fixed was to be the legal rent. The settlement officer fixed the rents, prepared the putta and signed it, behind the back of both the malguzar and the tenants, and was made binding on them whether they agreed or not. The results of the settlement proceedings have been generally to enhance and not to reduce rents.

At the settlement of nineties, the soil unit system was introduced, and to take, as the basis of the new assessment, rents evolved or deduced by the settlement officer with the aid of this system. The factors upon which he works are from their nature so uncertain and complicated, that they need to be handled with the greatest care and circumspection. A very wide knowledge of nature of the soil, the cropbearing quality, the capacity of the tenants to pay, and their general condition, is essential to success. As the above considerations were altogether overlooked by the settlement officer, in the current settlement, I had to appeal to you for redress as this was a fit and very just case for your interference.

I beg to draw your attention to appendices M (1), M (2) M (3) and N to R. S. Naidu's settlement compilation of 1900, from which you will see that the malguzars and tenants had suffered a loss of Rs. 10,87,032—in Narsinghpur District, Rs. 33,90,854—in the Jubbulpore District and Rs. 19,99,207—in the Damoh District due to the over assessment. These appendices clearly corroborate my statement regarding the loss I suffered in my village. I would invite a reference to a sentence underlined at page 54 of my argument appended hereto from which you will see that the Settlement Officer ought to have granted exemption for a period of 20 years to recoup the land-holder for his expenditure. This has not been done in this case. It is a clear violation of the directions contained in Government of India Resolution No. 6-93-2 dated 24th May 1906. I therefore most humbly request that you will kindly reconsider your decision and reduce the assessment as prayed for.

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# Land Assessment.

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(Letter sent to the Financial Commissioner, Nagpur, C. P.)

I beg to submit my written arguments in connection with my appeal against the order of the Settlement Commissioner, C. P. dated the 18th February 1915 as hereunder :—

(PART I.)

*Preliminary.*

I came forward with this petition of appeal as a matter of principle but not with a selfish motive. Secondly, I came forward with this petition of appeal with great courage and with great boldness, which certainly I should never have had courage or boldness to do under any other Government either native or foreign, because I know, and know full well, that we are living under the beneficent rule of His Gracious Majesty, that we have got the most Gracious, the most noble, the most worthy Charter, the solemn Proclamation of her Majesty the Queen and Empress Victoria of 1858 which was reaffirmed on the occasion of the Proclamation of the Queen as Empress of India in 1877. She sent a telegram to Lord Lytton which he read in the open Durbar consisting of both Princes and people. In this telegram the Queen Empress said :—

“That from the highest to the humblest all may feel that under our rule, the great principles of liberty, equity and justice are secured to them, and that to promote their happiness, to add to their prosperity and advance their welfare are ever present aims and objects of our Empire”.

And it is clear that this object of promoting our happiness &c. &c., can only be attained by our enjoyment of the principles of liberty, equity and justice. We are further supported, and indeed very staunchly and very sincerely,

by almost all members of the Parliament ; and not only that by all noble-minded and liberal-hearted gentlemen at home whose motive in life is " Righteousness Exalteth a Nation," whose aim and object in life is to uphold the strong and help the weak in the righteous cause.

*Land deterioration.*

2. It is this liberty, it is this freedom which brought me before your honour to-day with this petition of appeal to argue the case frankly and in clear out-spoken words. I would now prove why the cultivators feel the assessment heavy. The chief causes are that the land is deteriorated or lost its productive power. The remedies for this are that the land should lie fallow for 4 or 5 years or it should be thoroughly manured. In support of my argument I would quote some authorities of the best administrators and experts which clearly prove that land is indeed deteriorated. The question whether or not the fertility of land is approaching exhaustion has been fully discussed by Dr. Voeleker, who, in his report on the Improvement of Indian Agriculture, says :—

" It must be accepted as an axiom in Agriculture that what is taken off the land in crops must in some way be put back into the soil, or else the soil will suffer exhaustion. It is an equally accepted fact that the production of heavier crops means that more manure must be applied to the land. A country which exports both crops and manure must be declining in fertility. Now, what is the state of things as regards India? On the one hand, there is a large export of oil-seeds, cotton and other products, besides an increasing one of wheat, all of which remove a considerable amount of the soil constituents. What is returned in their place? Only the straw or the stalks and leaves; and it is not even correct to say that these are returned, for after all it is only a portion, and frequently a very small portion, that does find its way back to the soil. Part is necessarily used up in the bodies of the cattle, part is wasted by imperfect conserving and storing of manure, part must unavoidably be lost, however great the care that may be taken: thus it comes about that it is only a fraction that constitutes finally to making up the loss the soil has sustained.

The consequence must be that the soil becomes gradually poorer though the effect may not as yet be visible to the eye, for, even if the soil be still producing the same crops, the potential fertility (by which I mean the reserve, of constituents for the production of further crops) must be suffering loss, and the capabilities of the soil must be less than under a system of equal giving and taking. In face, therefore, of the enormous increase recorded in the population, and future increases that will have to be met, it becomes a most serious question how the food for these millions is to be found; in other words, how the manure is to be obtained without which the crops necessary for feeding these people cannot be grown.

I can not, therefore, agree with the theory that fixes a certain level to which production may sink, but below which it will not go. This is apparent rather than real. The decline may be slow, but this is a more matter of time."

It is an admitted fact that the productive powers of land in these provinces have deteriorated since 1863. Referring to the immense difficulties of the calculation of gross produce resulting from the difference in the out-turn of different fields, and of the same field in different years and under different circumstances of irrigation, manure, and high cultivation, Sir Charles Elliot said in his Hoshangabad Settlement Report of the sixties:—

"It stands to reason that land, even the black soil of the Nerbudha Valley, must deteriorate if it is cropped year after year without anything returned to it."

And speaking of the same valley, Sir Charles Grant said in the Narsingpur Settlement Report of sixties:—

"What is taken from it year after year without any attempt at relieving, either by manure or by a system of rotation. But though the annual tribute is unfailingly rendered year after year, it is useless to deny that the powers of the soil have deteriorated under so constant a strain."

Sir James Caird said in the Famine Commission Report of 1880:—

"Crop follows crop without intermission, so that Indian agriculture is becoming simply a process of exhaustion."

It is also held in some respectable quarters that a country which exports both crops and manure must be

declining in fertility, and India being one of such countries, as Dr. Voelcker admits it to be, is gradually becoming poorer. We are further told by the consulting chemist to the Royal Agricultural Society of England that cattle manure is very badly managed here and that the land is made to go on producing the same crops from year's end to year's end with the result that the potential fertility of the soil is being reduced, and the agricultural prospects getting gloomier in consequence. It will be mere presumption on our part to deny these conclusions of the learned doctor, arrived at after much patient and laborious research and I do not therefore hesitate to say that all the present wretched condition that has overtaken our peasant classes is due to causes such as these. It is clear from these statements that the produce of the soil in 1914 was much less than those in the sixties. In this connection Sir Henry Cotton said:—

‘Our attempts to teach the natives of India agriculture are based upon a forgetfulness of the essential elements of the case. The native cultivators of India are too poor to be able to adopt the scientific improvements which the English experience suggests. They are told to plough deeper, to do more than scratch the soil. But it is forgotten that the cattle with which they plough are incapable of deep ploughing. We tell them to enrich their fields with manure and the produce of the land would be augmented by its use. No doubt it would. The ryots do utilise manure as much as they possibly can, in the way of simple forms of manure, such as cowdung which is, however, also an extremely useful article to the poor cultivator as a substitute for firewood—but they can no more afford to procure the expensive manures with which we are so familiar than they can afford to plough with elephants.’

Therefore the cultivators of these provinces urge and strongly urge that in every village Government would have sufficient unassessed area for grazing, so that they may breed good cattle and collect manure and utilise it in their fields. As before the agriculturists should have the free use of fuel and grass from Government forests so that they may freely use the cowdung they get from their cattle for



manuring their fields. Unless this is done I seriously doubt that the condition of the peasantry could be improved.

3. I would now state my reasons why manure is not used for cultivation. In every village practically no un-assessed grazing land is left for agricultural and other cattle to graze. It is why agriculturists can not afford to maintain cattle to collect manure. The question of the adequacy of grazing lands is for the greatest importance to agriculturists for keeping cattle and collecting manure. They must have their plough cattle as well as land for grazing. There are complaints from all quarters that agricultural live-stock is decreasing steadily year by year. This is most unfortunate and must lead to the improvement of the cultivator, the deterioration of his soil and the impairing of his capacity to carry on cultivation. The decrease of grazing area is solely responsible for the decrease of live-stock as well as scarcity of manure. The pitch of assessment is so high that it leaves no margin for the cultivators to allow them to have a portion of their assessed lands uncultivated to be used as grazing land. Unless sufficient grazing lands are allowed un-assessed in every village the deterioration of plough cattle and scarcity of manure is bound to continue. It is an admitted fact that cultivators can not thrive and flourish unless their lands are thoroughly manured.

4. Large quantities of manure can be had in big towns on sale at one rupee per cart. One acre of land requires 100 carts load of manure which will cost Rs. 100 per acre and carting the same to the village costs not less than a rupee a cart. Thus the cost of manuring one acre of land amounts to Rs. 500-per acre. This is beyond the means of cultivators. Supposing if a rich malguzar were to undertake manuring at such cost he has no certainty, security and fixity of assessment. The Settlement Officer at the following settlement goes to his village and enhances the assessment by 200 or 300 per cent without taking into consideration the large amounts which he spent for manuring and improving the agriculture.

5. Floods, droughts and blights are also reckoned as no mean foes of the Indian agricultural population. - Indeed, not a year passes in which considerable damage is not done to the standing crops. Sometimes wholesale destruction of crops is also reported. The question of manure supply, Dr. Voelker says, is indissolubly bound up with the well-being and even the bare existence of the people of India. Mr. Hume, when he was Secretary to the Government of India in the Department of Agriculture, declared that with proper manuring and proper tillage, every acre, broadly speaking, of the land in the country can be made to yield 30, 50, or 70 per cent more of every kind of crop than it at present produces; and with a fully corresponding increase in the profits of cultivation. It is therefore most essential in the interests, prosperity, and welfare of the peasantry that Government should leave sufficient unassessed grazing land in each village for the use and benefit of the cultivators. Then again seeds are not always very carefully selected, nor is the use of drills widely resorted to in India. M. Grandea, unquestionably the best agricultural authority in France, has pointed out what a vast amount of loss is caused by sowing by hand instead of using a drill. The destruction of crops by insects imposes also a heavy loss upon the agriculturists. Now, says Sir Edward Puck, "it is believed that at least one per cent of the annual crop of wheat is destroyed by weevils. There are many other agricultural pests doing harm to innumerable grains. All these go a long way in explaining why the yields of our crops are so extremely low and inferior to those of other countries.

6. Proprietors and cultivators do not deliberately leave their lands uncultivated. They do not wilfully neglect to utilize sources of food and wealth. When they leave a field alone, it is because the land needs rest, or because they have not the wherewithal to till it. It thus happens that a certain portion of the village lands is always left fallow year after year. Such fallows yield no profit; and yet by a fiction of the Settlement Department they have

been taken as bearing crop for purposes of assessment, and have been dealt with accordingly. A different procedure was adopted at the old settlement. Only the area actually under crop was assessed, the fallow area being left out of consideration altogether. It was added to the general *malguzari* area, and, being unassessed, became in course of years a source of extra profit to the proprietor as he reclaimed it, and either cultivated it himself or settled tenants on it. The argument advanced is that before long, the fallows included in the assessment will be cropped, and they should, therefore, be valued in just the same way as cropped lands. But it is evidently forgotten that a certain quantity of village lands always remains fallow. If any particular piece of land, left uncultivated in any one year, is brought under the plough during the year following, another piece of equal area, a little more or little less, goes, out of cultivation during the latter year. The gain in one direction is thus discounted by loss in another, the total fallow area practically remaining a constant quantity year after year. This is not mere imagination, but it represents facts actually to be seen in every district.

7. Other causes which render agriculture especially unstable are hail, frost, insects, storms of hail, doing very serious damage, and are of almost annual occurrence. But once a village is visited by hail, and the crops spoilt, it takes many years for it to recover itself. Fields in the vicinity of rivers are particularly liable to damage by frost, and a great deal of good land along river banks does not produce good crops in consequence. The above facts must have been well-known to the Settlement Department, and yet I find that, for purposes of assessment, the whole of the culturable area of the district was credited with an uniform produce per acre, as if not a single acre out of this large area would give a small return owing to the operation of the various adverse circumstances mentioned by Mr. Fuller. Then again, the estimates of the Settlement Department represent an average crop during an average season. But it is not every district or every village which annually

yields such a crop. And yet I do not find any allowance made for these depressing causes in fixing the Government demand.

### *Crop Estimates.*

8. The assessments of 1914 are not based on crop-estimates actually made at the time of settlement. Settlement estimates are mainly based on crop experiments made from time to time under the orders of the District officer. A Tahsildar or an Extra Assistant Commissioner is generally deputed to go to a village at the harvest time, and make the experiment. He generally selects a very small portion of the field measuring about 2 ft. by 2 ft. or so where the crop has come out very well. He makes no allowance for loss incidental to carrying, gleaning and threshing. He never takes the cultivator into his confidence, and never cares to inquire of him whether he has manured his field, or has taken special measures to improve its productive powers. His proceedings are entirely one-sided; and those vitally interested, namely the cultivator and the landlord, are never allowed to know the details of his report, or to correct any misconceptions he may have formed during his *ex parte* enquiry. Nor are these experiments undertaken on a sufficiently large scale, or a sufficiently large number of fields of different soils and varying capacities, to permit of a correct average being arrived at. The great diversity of opinions which can be formed under these circumstances as regards the outturn of crops, and the unreliable nature of materials on which such opinions are often framed, are illustrated by a judgment of Mr. Foxstrongways, Commissioner of Jubbulpore, in Revenue appeal No. 26 of 1902-1903 dated the 29th January 1903, and to which I invite your honour's special attention. I would again invite a reference to paragraphs 32 to 38 of Damoh District Settlement Report of 1914 regarding the diversity of opinion on the outturn of crops. The Hon'ble Sir Bipin Krishna Bose, in his note submitted to the Government of India along

with his Budget speech in the Imperial Council on the 26th March 1902, said on the subject of crop outturn as follows:—

“ But I have to submit in the first place that I have been often told by landholders that the crop experiments upon which the official standard is mainly based are generally confined to parts of field where the crops come out the best, and they do not in every case furnish a fair standard to estimate the average yield of the entire field. Further, the valuation, if I mistake not, is based on prices current at the Tahsil head-quarters or at important local markets, wherers it is the price at the threshing floor that represents the value of the produce to the producer. Apart from these somewhat doubtful elements, agriculture is subject to vicissitudes far greater than those attending most other industries. The least aberration in the weather may destroy the fruits of all the cultivator's labour and capital. In no single year are the climatic conditions favourable to all crops, nor are their outturns uniformly equal to the official standard.”

All these weighty expressions of opinions go to show that the assessment is not fairly based on actual crop estimate but on imaginary calculations.

*Singori village outturn of crops.*

9. I bought this village in 1910. I hold 217-71 acres of home farm land. The assessment on this area was Rs. 249 for this year. The produce I got was worth Rs. 806 as. 12 for the year 1910-1911. The assessment works out approximately at 31 per cent of the gross produce. During the year 1911-1912 I got crop to the amount of Rs. 848-8. The proportion of the assessment is nearly  $29\frac{1}{3}$  per cent. During the year 1912-1913 I had the harvest amounting to Rs. 1254-10. The proportion of the assessment is nearly 20 per cent. for this year. During the year 1913-1914 I had the crop to the extent of Rs. 630-8. The proportion of Government share is about  $39\frac{1}{2}$  per cent. During the year 1914-1915 the assessment was raised to Rs. 403 and the value of the crop was Rs. 704-4. The Government share is nearly  $67\frac{1}{2}$  per cent. You will thus see how the assessments are severe and harassing and beyond the paying powers of the cultivators. The Settlement Commissioner in his order dated 18th February 1915 says that my statement

regarding the loss in the cultivation of my home farm land is unconvincing. But I beg to submit that I can not adduce a better convincing evidence in support of my statement than my account books. Account books are always regarded as the best and reliable evidence. In appendix A, hereto appended, I have shown in details how the assessment works out in proportion to the gross produce and how crushing, harassing and severe the present assessments are.

*Permanent Settlement.*

10. I wish to quote here opinions in favour of a permanent settlement of the land revenues in other parts of India, held and recorded by three generations, of English statesmen and administrators, like Lord Cornwallis, Sir John Shore, Sir Thomas Munro, Lord William Bentick, Lord Wellesley, Mr. Colebrooke, Lord Minto, Lord Hastings, Mr. Robert Merttins Bird, Sir William Muir, Colonel Baird Smith, Lord Canning, Lord Iddlesleigh, Lord Lawrence, Lord Ripon, Sir Charles Wood, Earl de Grey, Sir Stafford Northcote, Sir A. Colvin, Sir Richard Temple, Colonel Elliott, Sir Cecil Beaden, Sir Bartle Frere, Sir Luis Mallet and Mr. H. E. Sullivan and other distinguished statesmen. It is enough for my purpose to state here what I have said repeatedly before, that the Permanent Settlement of Bengal has proved a blessing, not merely to landlords with whom it was concluded, but to all classes of the community. It has benefited all trades and professions by leaving more money in the country; promoted the well-being of various degrees of tenure-holders under the landlords; moderated the rents paid by actual cultivators; and prevented the worst effects of famines such as are witnessed to the present day in every other province of India. Colonel Baird Smith recommended a permanent settlement of the land revenue as a protection against the worst effects of future famines, and as a means of increasing the general revenue of the country with the general prosperity of the people. He further said:—

“The good which has been done by partial action on sound principles is both a justification and an encouragement to further

advances; and entertaining the most earnest conviction that State interests and popular interests will be alike strengthened in an increasing rate by the step, the first, and I believe the most important remedial measure I have respectfully to submit for consideration, is the expediency of fixing for ever the public demand on the land."

Sir Richard Temple in his administration report for the year 1861-62 and in paragraph 128 of his report for 1862-1863 advocated at length the advantages of a permanent settlement. He further recommended for permanent settlement in these provinces to the Government of India in his letters Nos. 532 and 38 dated the 22nd July 1862 and 8th October 1862. Sir C. Wood sanctioned permanent settlement generally for the whole of India in his despatch dated 9th July 1862. Lord Lawrence recommended the permanent settlement for the whole of India in his despatch of 8th June 1864. Sir C. Wood re-affirmed his approval of the permanent settlement for the whole of India in para 18 of his despatch No. 11 dated 24th March 1865. Again in his despatch No. 15 dated 23rd March 1867 Sir Stafford Northcote sanctioned the permanent settlement for the whole of India. It is high time now to redeem Sir Richard Temple's promise.

11. After the formation of the C. P. Administration, Sir Richard Temple issued the following instructions on the term of settlement in his Settlement Code part II, page 13:-

"The Government of India has, in a letter from the Secretary to the Government of India No. 60 of 21st March 1862, sanctioned the term of 30 years for the settlement now in progress throughout the provinces."

The landholding classes must confess to a feeling of deep disappointment at what they cannot but regard as an abandonment without adequate cause of a policy dictated by high motives of statesmanship and which, they had been led to believe, would be permanently binding. If over fifty years ago, when the province was still in a greatly undeveloped state, it was not considered an unreasonable sacrifice of the rights of the State to have a

settlement for 30 years, the people can scarcely be blamed if they fail to appreciate the justice or the expediency of the abrogation of the rule at a time when almost the whole province has been linked by railway with principal centres of trade. If a long term of settlement was the right policy, when the land yet awaited development, it can not cease to be so now, after the great rise in the level of prices, and the extension of cultivation which has taken place during the past half century. There is no prospect in the future of any large increase in prices, of any considerable extension of cultivation. There is no reason therefore for withholding from the people of the Central Provinces a permanent settlement, which was promised to them over 50 years ago, a promise which has never been redeemed.

12. Lord Curzon, in para 5 and 6 of his resolution dated 16th January 1902, holds firstly, that the permanent settlement of Bengal has not prevented the worst effects of famines. An examination of the facts of the case does not support His Excellency's views. But to maintain that the permanent settlement did no good is to discredit the testimony of the ablest officers, and the most distinguished statesmen who lived and worked in India during three generations. There were men among them like Colebrooke, who had served in India for over 40 years, who had known Bengal before and after the permanent settlement, and who declared in 1808 that the reviving prosperity of the country, its increased wealth and rapid improvements are unquestionably due to the Permanent Settlement. There were thoughtful observers like Bishop Heber who wrote in 1826 that in Bengal where independent of its exuberent fertility there is a permanent settlement, famine is unknown. Lord William Bentinck, as Governor of Madras, recommended a permanent ryotwari settlement; and Sir Thomas Munro insisted on this all through his life. Marquis of Wellesley was so convinced of the benefits of the permanent settlement that he pledged the word of the British Government, in 1803 and 1805 to extend it to Northern India. His successor Lord Minto recorded his opinion



in 1813 that to ameliorate generally the conditions of the natives, it is our firm conviction that no arrangement or measure will tend so speedily and effectually to the accomplishment of those important objects as the establishment of a permanent settlement. Lord Minto's successor, the Marquis of Hastings, once more urged in 1820, that it is, then, our unanimous opinion that the system of a permanent settlement of the land revenue, either upon the principle of a fixed Jumma, or of an assessment determinable by a fixed and invariable rate, ought to be extended to the ceded and conquered Provinces. The Directors of the East India Company rejected the proposals of the three successive Governors-General, and broke the pledge given by Legislative Acts and Proclamations not because the permanent settlement in Bengal had borne no fruit, but because a trading company would sacrifice nothing of their own prospective profits and dividends for the happiness of the people of India. The company was abolished in 1858; and the first Viceroy urged once more the extension of a permanent settlement to all provinces of India for the prevention of such famines as he had witnessed in Northern India in 1860.

13. Such were the opinions of three generations of distinguished administrators and able statesmen in India, of men who built up the Empire, and valued the contentment and happiness of the people. But unfortunately, the desire to promote the welfare of the people did not ultimately shape the action of the Government; the desire to conciliate the people lost its force when the empire became stable; the desire to continuously add to the land revenue prevailed; and the proposal of extending the permanent settlement into all provinces of India was rejected by the India Office in 1883. Since then the Indian Government have tried to persuade themselves, and to persuade others, that the permanent settlement is a useless and a hurtful institution. English landed proprietors, who themselves enjoy and appreciate the benefits of a permanent settlement in England under Pitt's Act of 1798, learn to repeat, when

they arrive in India, that what is good for themselves is not good for the people of India. Young men, fresh from schools, when they come out as administrators to India, to learn to sneer at the opinions of Cornwallis, Sir John Shore, Sir Thomas Munro, Lord Wellesley, Lord Hastings, Lord Canning, Lord Lawrence, Lord Halifax and Sir Stafford Northcote, as the school of thought of an earlier period which is now out of date and out of fashion. And the people of India are asked to believe, with all the eloquence of official persuasion, that the grapes which are now placed beyond their reach are sour, and that they will thrive best under a continuous increase of the State demand from the soil. All this is very intelligible, however sad. But the impartial student of history will occasionally turn from the made-to-order opinions of modern times to the freer discussions of past generations; to the opinions of men who watched the operation of the permanent settlement from the earliest period, judged its merit from the highest standpoint, viz. that of the happiness of the peoples of India, and recommended its extension with greater freedom than has been enjoyed by any Viceroy since 1883.

11. After an exhaustive inquiry into the condition of the famine-stricken tracts, Colonel Baird Smith submitted three reports in May and August 1861. And he may be said to have discussed some facts which are true of all Indian famines. In the first place, he clearly showed that the famine was due, not to want of food in the country, but to the difficulty of the starving people in obtaining the food. And in the second place, he also pointed out that the staying power of the people depended greatly on the land system under which they lived. I hereunder quote an extract of para 36 of his report dated 14th August 1861 :—

“ No misapprehension can be greater than to suppose that the settlement of the public demand on the land is only lightly, or, as some say, not at all connected with the occurrence of famines. It lies, in reality, far nearer to the root of the matter, because of its intimate and vital relation to the every day life of the people and to their growth towards prosperity or towards degradation, than any such accessories as canals, or roads, or the like, important

though these unquestionably are. It is no doubt quite true that not the best settlement, which mortal intellect could devise, would cover the skies with clouds, or moisten the earth with rain, when the course of nature had established a drought. But given the drought and its consequences, the capacity of the people to resist their destructive influence is in direct proportion—I would almost say geometrical proportion—to the perfection of the settlement system under which they are living and growing.”

15. It will thus be seen from the above opinions that permanent settlement is the only remedy that saves the lives of people, in famines, that will save cultivators from the harassing nature of the survey operations and the enhancement of assessment they bring about. Mr. G. F. Edmonstone, the Lieutenant Governor of the N. W. P., agreeing in the opinions of Colonel Baird Smith and Mr. Muir said :—

“I do not in the least doubt that the gradual and cautious concessions of a guarantee of permanency to the settlement of the land revenue, generally, will be productive of all the advantages which Colonel Baird Smith and Mr. Muir, in even greater detail, have depicted. Judging by the effect of settlements for long periods, it may be safely anticipated that the limitation on the Government demand in perpetuity will, in much larger degree, lead to the investment of capital in the land. The wealth of the agricultural classes will be increased. The prosperity of the country and the strength of the community will be augmented. Land will command a much higher price. The prospective loss which the Government will incur by relinquishing its share of the profits, arising from extended cultivation and improved productiveness, will be partly, if not wholly, compensated by the indirect returns which would be derived from the increased wealth and prosperity of the country at large.

Nor should the minor advantages of freeing the people from the vexation and exaction which are inseparable from a periodical settlement of the Land Revenue of saving the large expenditure which each revision of settlement entails upon the Government, and of removing the temptation which the approach of each revision holds out to the land proprietor of temporarily deteriorating their property, be disregarded. These are all the burthens which bear, with more or less severity, on the Government and on the people, and if they can be got rid of without lasting detriment to the

revenue of the State, few will be found to offer any opposition. It must also be admitted that the settlement of the Government demand in perpetuity will be politically wise. The absolute limitation of demand upon their land will be received by an agricultural people with the highest satisfaction and will produce, if anything can, a feeling of attachment to the Government, and of confidence in its desire to promote the best interests of the country."

As I have discussed at length on the advantages that would be derived from the permanent settlement of the State demand in the columns of the Hitawad and Nagpur Berar Times dated the 10th April 1915, I do not wish to recapitulate them here. In these circumstances I would pray that the boon of permanent settlement of State demand shall be bestowed upon the people of these provinces so that they may prosper and thrive well under the British Government.

#### *Assessment.*

16. I have, in para 9 hereof, proved to the best of my ability, how the assessments of nineties were severe, harassing and crushing. I have also proved how the assessments of the current settlement were inequitably and indiscriminately enhanced without taking into consideration what the proportion of the crop was and without the least regard to the paying power of the cultivators. What I therefore urge is to assess the land according to the picture of the Hindu Society presented by the Code of Manu. It was quite true that from very ancient times i.e. according to the Manu, the king in India was entitled to a share of the produce of the land varying from a twelfth part in times of prosperity or peace and rising to a fourth in times of distress. This is the King's due on account of the protection he is bound to afford to the cultivator. I have sufficiently discussed this subject in the columns of the Hitawad dated the 27th February, 5th March and 10th April 1915. In olden times even taking 1/6th of the produce was stigmatized as rapacious.

17. Upon everything produced from the ground there is due a tenth or ashir ushir whether the soil be watered by

the annual overflow of great rivers or by periodical rains; excepting upon articles of wood, bamboos and grass, which are not subject to tithe. Lands watered by means of buckets or machinery, such as Persian wheels, or by canals, are subject to only half tithes (Hidayah, volume 1 page 44) Hughe's Dictionary of Islam (1885) page 283.

18. The soil was the principle source of revenue in all civilized countries in ancient times, and though the forms of administration were rude, and officials entrusted with power were often oppressive and arbitrary, the demand of the State from the produce of the soil was generally moderate. Manufactures and commerce and service under the State gave employment to a small proportion of the people; nations in the civilized countries depended on the soil; and civilized Governments grasped the idea that the nations could not prosper if the soil was over-assessed. An excellent resume of the land-tax in ancient times had appeared in the Pioneer of Allahabad dated 28th April 1900, from which I quote the following extracts:—

“It would appear that in the greater part of the ancient world 1/10th of the produce of the soil was regarded as a proper contribution to the public exchequer. 1/10th is said to have been taken in ancient Greece, in ancient Persia, in China, and in Burma, and 1/10 was the nominal demand in similar circumstances under the republic of Rome, 1/10th was again the levy of the Sacerdotal class under the Jewish theocracy, and 1/10th was the import with which Samuel threatened the children of Israel as the price if they insisted on the appointment of a king. And he will take the tenth of your seed and your vineyards...and he will take the tenth of your sheep.”

“The course of taxation appears to have been similar in the Roman Empire. Under the Republic as we have said 1/10th of the produce was the recognized official demand, though the exactions and corruptions of provincial officials under the Roman Republic are of course notorious. The improved administration initiated by Augustus, the greatest administrative genius in history, regularised the finances and equalised the burdens of taxation to some extent, but in return appears to have exacted a greater share of the produce. Under the Dyarchy, as it is called, that is from the time of Augustus to Diocletian, the land tax is estimated by the best authorities to have been 1/5th or 1/7th of the produce.”

19. Among the ancient Hindus also the land-tax was moderate, and ranged between  $1/12$  and  $1/6$ th of the gross produce of the soil; and this land-tax was what the actual cultivator paid. These rates are mentioned in all the best known works on Hindu law; and Greek and Chinese travellers who visited India between the fourth century B. C. and the seventh century A. D. attest to the mild and moderate land-tax of India, and to the prosperity of the agricultural population. Even Raja Harihar Roy of Canara, in 1300 A. D. imposed a land-tax of  $1/12$  part of the produce. I make a few extracts from Hindu law books of recognised authority.

*Mahabharat, Shantiparva, Chapter 67.*

A fiftieth part of cattle and gold and a tenth part of the crop, may be taken by the king.

*Mahabharat, Shantiparva, Chapter 69.*

But a king who rules in accordance with the sacred laws may take the sixth part of the wealth of his subjects.

*Gautama.*

Cultivators must pay to the king a tax amounting to one tenth, one eighth or one sixth of the produce.— vide Gautama's Dharma Sutra 10. 24.

*Vashisht.*

But a king who rules in accordance with the sacred law may take the sixth part of the wealth of his subjects.—vide Vashishta's Dharma Sutra 1. 42.

*Manu.*

A fiftieth part of cattle and gold and the eighth, sixth or twelfth part of the crops may be taken by the king.—vide Manu's Dharma Shastra 7. 130.

That the maxims thus laid down in Hindu Law Books were generally followed in practice and that agriculture prospered in India under a very mild land-tax, is proved by the testimony of all Greek and Chinese travellers who visited India in the ancient times. Those travellers were (1) Megathenes in 310 B. C. (2) Fa Hian 400 A. D. and (3) Hiuen Tsiang 630-645 A. D.

20. The despatch of the Court of Directors dated the 17th December 1856 affirms the principle that the land assessment is revenue and not rent, laying down that the right of the Government is not a rent which consists of all the surplus produce after paying the cost of cultivation and the profit of agriculture stocks, but a land revenue only, which ought, if possible to be so lightly assessed as to leave a surplus or rent to the occupier whether he, in fact, let the land to others or retain it in his own hands.

21. The Hon'ble Sir Gangadhar Rao Chitnavis, who is one of the most talented members of the landed Aristocracy of these provinces, said in a letter to the Pioneer of Allahabad dated 1st December 1900:— "In connection with this, I may remark that while deeply grateful to Mr. R. C. Dutt for his able and disinterested advocacy, I am not prepared to go with him when he says that our tenants' rents are above the standard he lays down, viz. one sixth of the produce. Even after revision they are lower than what that standard would allow."

21.(A) Sir Andrew Fraser, in para 25 of his note dated the 9th April 1901, to the Government of India said:—

"The rental of no district exceeds 15 per cent of the normal produce. The highest fraction reached is one seventh, while in some districts the proportion does not exceed one fourteenth."

22. Sir J. B. Fuller, in para 8 of his letter No. C. 290 dated the 1st December 1900 addressed to the Hon'ble the Chief Commissioner said:— "But it is quite certain that in the majority of our districts, the rental is far below a sixth of the produce, and that the adoption of Mr. Dutt's rule would warrant a very large further enhancement. In four districts the rental is less than 10 per cent of the produce; in one it is 10 per cent and in three others it is respectively 14, 15 and 16 per cent."

23. Mr. L. S. Carey, in para 28 of his letter No. 50. 147 dated the 8th January 1901, addressed to the Hon'ble the Chief Commissioner said:— "That over the provinces

taken as a whole the rental value absorbs little if anything over 1-10th of the gross produce."

24. I would further draw your attention to paragraphs 305 to 313 of the Chanda District Land Revenue Settlement Report of 1869 which fixed the State share of the estimated gross produce at 1-12th, 1-16th, 1-20th, 1-30th, and 1-40th part which was even more liberal than Manu's rates.

Paragraphs 250 and 251 of the Mandla district Land Revenue Settlement Report of 1668-69 fixed the State demand at 1-10th and 1-16th of the gross produce. Again para 188 of the Bhandara District Land Revenue Settlement Report of 1867 says "The crops grown on each field of a village were recorded for a particular year, the total yield of all those crops was deduced and appraised. The proportion that I generally took was from 1-8th to 1-12th or in the very wild parts even lower. Para 168 of the Bhandara report says that the Government share on siwai assets is assessed from 30 to 5 per cent. The present assessment on siwai assets is 56 per cent. This means the proprietor is deprived of what little profit remained, by the current settlement.

25. In accordance with the above weighty expressions, I pray that the land of my village shall be assessed at 1-12th of the produce as laid down by the ancient law of Manu which was adopted in the settlement of sixties but departed from in the current settlement.

*Half-rental Saharanpur Rule.*

26. Under the Maratha rule, the patels used to realize many direct taxes such as plough tax, marriage tax, a tax on offences, oil-tax &c. from tenants in addition to rents and 25 per cent commission on the gross revenue collections plus free unassessed enjoyment of his home-farm. The patels profit thus amounted to 60 per cent.

27. The Hon'ble Sir Bipin Krishna Bose, at the debate on the Budget in the Imperial Council on the 28th March 1900 said.

"At the old settlement the total assets including full valuation of sir, was Rs. 526, 391 (para 302 of the report). The Govern-



ment demand being Rs. 250, 934, the proportion it bore to the total assets was thus about 48 per cent. As prospective profits from progress of cultivation and miscellaneous sources for which there were large openings at the time, were not taxed, the burden of the Government demand became lighter year after year. until in the year preceding the new settlement, it was only 40 percent of the ryot's rent leaving the remaining 60 per cent. and the whole of the sir and miscellaneous profits to be enjoyed by the Malguzars."

All these profits have been cut down in the settlement of nineties and in the current settlement. The large reduction in the profits hitherto enjoyed, which those operations involved, are keenly felt by the Malguzars. The above statement shows that malguzars enjoyed more than 60 percent of the village assets whereas in the current settlement it is reduced to 40 per cent.

28. In a settlement Code which Sir Richard Temple issued with the sanction of the Governor General, ( vide para 135 of his Administration Report for 1862-56 ), he laid down two important principles, which were to regulate the assessment of the Government demand. These were ( a ) that the Government revenue should be about one half of the assets, and ( b ) that the assets which were to be the basis of the assessment should be "*well ascertained*" "*real*" assets. The first principle is embodied in what is known as the Saharanpur Rule 36 of 1855. Now it has been contended that the rule was only in force in that part of the province, which constituted the old Saugor and Narbudda territories. Regarding the applicability of this Saharanpur rule it is no doubt the case that originally it was introduced under the orders of the Lieutenant Governor of the N. W. P., in the Saugor and Nerbudda Territories, which before the formation of the C. P. Administration in November 1861, were administered as an adjunct of the N. W. Provinces. When however, these territories, along with the kingdom which had lapsed on the death of the Bhosla Raja of Nagpur were consolidated under one central jurisdiction under a Chief Commissioner, Sir Richard Temple, the first Chief Commissioner issued a code, which was to regulate the work

of settlement throughout the newly constituted province. The only rule of percentage which finds a place in this Code is the half-assets Saharanpur Rule. Its unqualified inclusion in the Code made it necessarily applicable to all the districts in the province, and not merely to the eight districts formerly known as the Saugor and Nerbudda Territories. Whatever authority it possessed, it possessed in an equal degree throughout the province as the administrator and the Code was one and the same for the whole province. It is difficult and untenable therefore to see how the case of the Saugor and Nerbudda Territories can be differentiated from that of the old Nagpur Province of the Bhosla dynasty. Para 319 at page 178 and the concluding portion of para 299 at page 142 of Chanda District Land Revenue Settlement Report of 1869, paragraphs 55 to 60 at pages 22 to 24 of Sambulpur District Land Revenue Settlement Report of 1876-77 and paragraph 193 of Bhandara District Land Revenue Settlement Report of 1867 amply bear out the fact that the half assets Saharanpur rule did apply to the Nagpur Province of the Bhosla dynasty and the Chattisgarh territories.

29. The first comprehensive settlement of the Central Provinces was made in 1863 to 1867. The malguzars of the Province were recognized as the proprietors of the soil, and the settlement was made with them ostensibly on the principle of the Saharanpur Rules under which the Government demanded half the rental of estates as the land revenue. The rental, however, which was taken as the basis of assessment, was not the actual rental. It was fixed by some process which is obscured by contradictory official accounts; but the result was that the Government virtually evaded the Saharanpur Rules, and demanded a revenue larger than one half of the actual rental of the estates. As the settlement was made, however, for 30 years, the hardship caused at first was gradually removed, as cultivation and rents increased.

30. When the time approached for the next general settlement of 1893, Mr. Mackenzie, the Chief Commissioner,

felt unwilling to bind himself by the half-rental Rule ; and found it difficult to evade it in the manner in which it had been evaded in 1863. In his letter No. 5313, dated 18th May 1887, which was signed by his Secretary Mr. Fuller who said :—

“ It must moreover be realized that the system of settlement to which the Government has now by law committed itself will render it possible to evade the operation of the half-assets Rule in the manner followed at the last settlement...It would be safer to abrogate the half assets Rule altogether than to attempt to evade it by the calculation of hypothetical assets.”

The Government of Lord Dufferin weakly consented to abrogate the healthy rule, and to fix the Government demand between 50 and 65 per cent. of the rental. It is to the honour of Sir Anthony Macdonnell, successor of Sir Alexander Mackenzie, in the Central Provinces, that he reduced the maximum to 60 per cent. in 1894 and did much to mitigate the harshness of the new settlement which had already commenced.

31. Then came the ungenerous order of Lord George Hamilton in 1895, that the period of settlement should be reduced from 30 to 20 years. Under the illiberal spirit of modern administration, the old healthy rules were one by one tampered with ; the limit of half the rental was increased to 65 or 60 per cent. of the rental ; and the period of 30 years after which a promise for permanent settlement was given by Sir Richard Temple in 1862, was reduced to 20 years. There are some indications of the spirit of modern imperialism ! To withdraw the concessions once granted is impolitic and unsound and is nothing but the unwisdom of a retrograde policy. The famines of 1897 and 1900 in the Central Provinces then came as a terrible lesson. The population decreased ; lands went out of cultivation ; the revenue fixed by the settlement of 1893 could not be paid. Everywhere revision of the assessment was then commenced ending generally in a reduction of the revenue demand.

32. If the present rulers can not improve the rules of their predecessors, let them at least be faithful to those

they laid down in the earlier days of British Rule in India. Let them abide by the promise given by Sir Richard Temple to bestow the permanent settlement. Let them abide by the half-rental rule adopted by Lord Dalhousie. Let them extend to the cultivator of India the security which was given to the cultivators of Bengal by Lord Dalhousie. Let them explain to the peasant proprietors of these provinces those definite conditions on which they seek enhancement of revenue as was done by Lord Ripon. And lastly, let them not heap local cesses on the produce of the land, thereby silently evading the limits which have been placed on the State demand from the soil. There is a cry from one end of India to the other that there should be some definiteness, some certainty, some limits to the Government demand, which the revenue officer will recognize, and the humblest cultivators can understand and reckon upon. Let it not be said to day, as was said over half century ago, that the Government stands over them with a screw which is perpetually turned, as far as the screw will turn.

33. Mr. Fuller's letter No. 5318 dated 18th May 1887 clearly goes to show that the half-rental Saharanpur Rule did apply to the Nagpur Province of Bhosla dynasty and Chhattisgarh territory. A reference to the reports of the settlement officers of the principal districts constituting the old Nagpur Province of the sixties clearly and definitely goes to show that they considered this rule as applicable to their districts. *Sir Charles Wood's despatch of 1864 laid down 50 per cent. of the rental or the economic rent as the limit of the Land Revenue assessment, and these limits were exceeded in these provinces.* The people of the Central Provinces confidently hope that the half-rental rule will not again be set aside in any future settlements although Lord Curzon, in paragraph 38 (2) of his Land Revenue policy dated the 16th January 1902, finally approved and sanctioned the half rental Saharanpur Rule for the Central Provinces.

*Land revenue in kind not in cash.*

34. To us, again, it is a further matter of regret that the substitution of the system of paying the land revenue

in cash for that in kind, is having its pernicious effect on our ryot. Whatever may be the merits of the cash system, it is to be feared it is not exactly suited to the cultivators of the country. The kind system previously in vogue was automatic in its incidence, and so far was most conducive to the happiness of the ryot. Whatever the condition of the crops, he had enough food-grain to last him for domestic consumption. If the crop was 16 annas, he paid in proportion to the State in kind. If it was 8 annas, the proportion to be paid to the State would diminish. Thus the State dues fluctuated according to the condition of the crops, while the factor of food for annual domestic consumption remained constant. This system, in a great measure, tended to alleviate distress at the very outset of the scarcity. The cash system is wanting in this element and so far is defective.

35. This leads me to rivet your attention on the great danger looming in the near future in connection with our agrarian problem. It is, I admit, a gigantic problem and has been staring our rulers in the face for many a year past. Now and again palliatives have been applied by means of legislation. But palliative measures, you will admit, are, after all, no permanent solution of the problem. A broad, comprehensive, and practical solution is imperative, and it will require the highest experience, and statesmanship to devise a remedy which may cure the disease which is growing year by year and deepening in its intensity. I entreat you, Sir, to reflect on this grave situation, for, to my mind, the greatest danger to our country, in the near future, is what may arise from agrarian agitation. There is nothing like the rebellion of the belly. Let it be the good fortune of our present Viceroy, the liberal and sympathetic Baron of Hardinge to inaugurate such a practical agricultural reform as may restore agricultural prosperity to India and extricate her ryots from their present impoverished and distressed situation and earn for his Lordship a deep and lasting gratitude.

36. I would explain some practical difficulties and risks that come in our way in paying the land revenue in

cash. The malguzars usually send the land-revenue to the Tahsil treasury on the fixed date but due to some reasons or the other the wasulbakinavis is unable to receive the land-revenue the same day. The malguzar's man, having nobody acquainted with him at the Tahsil Head-quarter, was obliged to return to his village with the money during that part of the night. Supposing he is robbed of the money in the way by thieves or decoits the Government is not the sufferer and the malguzar in the long run is the loser. In order to avoid this risk of malguzar, I suggest that the land-revenue should be collected in kind at each village head-quarter and brought to the Tahsil head-quarter under police guard. Government can afford to keep police guard for the safety of their money but the poor malguzar can not as he is already overburdened with taxes. Ancient Hindu and Mohamedan kings collected land-revenue in kind at each village.

37. Lord Curzon, in paragraph 16 of his resolution dated the 16th January 1902, said:—

“ The Government of India believe it to be an entirely erroneous idea that it is either possible or equitable to fix the demand of the State at a definite share of the gross produce of the land. There is great practical difficulty in ascertaining what the average produce is. It is dependent upon a number of varying factors, such as the industry and resources of the cultivator, the nature of the crop, the capacity, security, and situation of holding, and the chance of seasons. The share of the gross produce which a cultivator can afford to pay must stand in close relation and in inverse proportion to the amount of expenditure which has been required to grow it, and this will vary very greatly. The truth is that assessment of land revenue is subject to so many complicated and varying conditions that any attempt to reduce would not only be impracticable, but would lead to the placing of burdens upon the shoulders of the people, from which, under a less rigid system, if sympathetically administered, they are exempt. Nor must the influence of the personal equation be ignored.”

It is entirely an erroneous idea to say that it is neither possible nor equitable to fix the demand of the State at a definite share of the gross produce of the land. There is ab-

solutely no great practical difficulty in ascertaining what the average produce is. This statement, in clear and unequivocal terms, asserts, as laid down in articles 170, 196, 203 (9 and 10) and 21 of the settlement Code, the castes and occupations of cultivators and the social conditions of the landlords and tenants are among the factors which form the basis of the rule of rent enhancement in these provinces but not the actual outturn of the produce. This rule has produced a great dis-satisfaction among the landholding classes as it is opposed to the broad and healthy principles laid down in different Government reports and policies. I think the assesment in this province was enhanced on this basis and it is why the increment is so high. Had the assessment been fixed on the actual out-turn of crops it would have been considerably decreased even below the assessment of 1890-1895 settlement. These articles coupled with the above Government of India resolution show that the object, intention and desire of the Government is, beyond all doubt, to tax other sources of income along with the land-tax and in a way to discourage frugality and thrift among tenants or landlords by way of over-assessment at each new settlement and thus impoverish the cultivators. The Government of India has been ruling such a vast Empire as India without any difficulty and without any impracticability for the last three centuries. I do not at all think that it is an impracticability of the suggestion that the land-revenue should be fixed at a share of the gross produce as laid down by the ancient law of Manu. I am strongly fortified in this opinion by para 188 of the Bhandara District Land Revenue Settlement Report of 1867 which reads as follows:—

“The crops grown on each field of village were recorded for a particular year, the total yield of all those crops was deduced and appraised. The proportion that I generally took was from 1/8th to 1/12th or in the very wild parts even lower.”

The ancient Hindu and Mohamedan kings assessed the land tax not on the frugality and thrift of cultivators but on the actual outturn of crops actually appraised. They

received the tax in kind and not in cash as at present. Up to the 13th to 14 century Raja Harihar Roy of Canara actually appraised the crops and fixed his share at 1/12th of the produce in kind only. But you know the adage that "*Where there is a will there is a way*"; and if this maxim is borne in mind, and if the authorities take that view, and if they earnestly, honestly and really attempt to find out a remedy to fix the State demand at a definite share of the gross produce of the land as laid down by ancient law of Manu, I am sure they will be able to find it and I am sure they will find no impracticability of the suggestion. In the first place, it is clear, Government has no desire to fix the State demand at a definite share of the gross produce. The Governor General, in course of his instructions to the Resident at Nagpur, dated the 7th March 1854, laid down that the guiding principle which should pervade the new administration was "*to establish plain, simple and efficient regulations on the basis of the ancient usages and laws of the country.*" This looked well on paper. But nowhere throughout India has the British Government adhered, for any great length of time, to this most salutary principle. The past history of British administration in India would rather lead one to conclude that the maintenance of native institutions is against the spirit of British Rule.

Certain it is, the indigenous institutions of the land have never long survived its introduction in any part of India. The proclamation or the Great Magna Charta of India by Her Majesty the Queen Victoria dated the 1st November 1858 contains the pledge which reads as follows:—

"We know, and respect, the feelings of attachment with which the natives of India regard the land inherited by them from their ancestors, and we desire to protect them in all rights connected therewith, subject to the equitable demands of the State; and we will that generally, in framing and administering the law, due regard be paid to the ancient rights, usages, and customs of India."

Is not the above statement of Lord Curzon in violation of this pledge, the solemn pledge of Her Majesty? Is not



the above statement of Lord Curzon to evade, to break down the pledge, the solemn pledge of Her Majesty? Is it not absurd, is it not impolitic, is it not unsound to evade and override our ancient rights, usages, customs and laws of our country and the pledge, solemn pledge and the solemn affirmation of Her Majesty? In this connection let me read those Lord Ripon's words in the Supreme Council on the 7th January 1884 which have been read a hundred times in the past—they will be read a hundred times in the future—they will be read by generations to come until the terms of that Proclamation have been vindicated and fulfilled to the letter—These words of Lord Ripon are:—

“To me it seems a very serious thing to put forth to the people of India a doctrine which renders worthless the solemn words of their Sovereign, and which converts her gracious promises, which her Indian subjects have cherished for a quarter of a century, into a hollow mockery, as meaningless as the compliments which form the invariable opening of an oriental letter.....The document is not a treaty—it is not a diplomatic instrument—it is a declaration of principles of Government which, if it is obligatory at all, is obligatory in respect of all to whom it is addressed. The document therefore, to which Sir Fitz James Stephan has given the sanction of his authority, I feel bound to repudiate to the utmost of my power. It seems to me to be inconsistent with the character of my Sovereign and with the honour of my country, and, if it were once to be received and acted upon by the Government of England, it would do more than anything else could possibly do to strike at the root of our power and to destroy our just influence, because that power and that influence rest upon the connection of our good faith more than upon any foundation, aye, more than upon the valour of our soldiers and the reputation of our armies, I have heard to-day with no little surprise a very different argument. I have read in a book, the authority of which the Hon'ble Mr. Thomas will admit that “Righteousness exalteth a nation,” and my study of history had led me to the conclusion that it is not by the force of the armies or by the might of her soldiery that a great empire is permanently maintained, but that it is by the righteousness of her laws, and by her respect for the principles of justice. To believe otherwise appears to me to assume that there is not a God in heaven who rules over the affairs of men and who can punish injustice and iniquity in

nations as surely as in the individuals of whom they are composed. It is against doctrines like this that I desire to protest, and it is against principles of this description that the gracious Proclamation of the Queen was directed. So long, then, as I hold the office which I now fill, I shall conduct the administration of this country in strict accordance with the policy which has been enjoined upon me by my Queen and by Parliament. Guided by this policy, it has been the duty of the Government to refuse with firmness what could not be given without an abandonment of principles."

33. But I have yet a higher authority than the authority of Lord Ripon in support of my view, that is the authority of Her Majesty the Queen herself. I hope that it is an authority which will be accepted by our present Government. Her Majesty, when the Proclamation was being discussed, wrote a letter to Earl Derby, at that time Prime Minister, requesting him that he would be good enough to write the Proclamation in his own language, in terms which would be worthy of a female Sovereign addressing a vast and a distant population, and for the first time in their history giving them solemn pledges. What is the character and the scope of the proclamation? It is a noble declaration of a beneficent policy; it is a royal Proclamation, and must be interpreted in the spirit of Queenly beneficence. Those who have recourse to tactics of this description seem to me not to understand the slur and humiliation which they involve upon the honor of their country and Sovereign. To say, as Lord Ripon puts it, that a proclamation has been issued purporting to make solemn promises when, as a matter of fact no such promises are made, is to be guilty of an unheard piece of hypocrisy. In these circumstances I pray that the assessment shall be based according to the ancient customs, usages and laws of our country.

*Standard of crop outturn and its comparison.*

39. Para 181 of the Bhandara District Land Revenue Settlement Report of 1867 gives the standard of outturn of crop by actual appraisement by Local committees. Cotton 3 maunds per acre, rice 6 maunds, Jawari  $2\frac{1}{2}$  maunds, linseed  $2\frac{1}{2}$  maunds, Til  $2\frac{1}{2}$  maunds, whet 3 maunds, gram  $2\frac{1}{2}$  maunds,

sugarcane 6 maunds and tobacco  $1\frac{1}{3}$  maunds. Para 182 describes the past prices of 50 years. The books of grain dealers have been examined and their data verified by local enquiry in every pargannah of this extensive district. You will see from these paras there is no impracticability of any kind whatsoever to fix the State demand at a definite share of the gross produce of the land. The suggestion of the impracticability stands to no reason at all. In my opinion there is nothing which is impracticable to Government. It must further be admitted as a postulate that the fertility of land at present is not the same as it was in 1867 and consequently the out-turn of crops at the present age must naturally diminish to a considerable extent.

*Appeals against assessment to independent tribunals.*

40. I urge that in the case of any difference between cultivators or proprietors and settlement officers in the matter of assessment, an appeal be allowed to an independent tribunal not concerned with the fixing, levying and sanctioning of the land tax. It is obvious that it is not possible to improve the condition of the Indian cultivator without granting him some security from uncertain demands and harassing claims which are a ruin to agriculture and a bar to all improvements. Mr. Thomas Merttins Bird described in some detail, before a select committee of the House of Commons, the method he pursued in the great settlement which effected in Northern India between 1833 and 1842. It was his policy to meet villagers to consult them, to carry on discussions with them, from day to day, and virtually to obtain their assent to the assessment he made. There were men who followed the excellent system in Madras, when the survey and settlement of that province was first made after 1861. Settlement proceedings are now being carried on in these provinces as if they were a State secret. The people whose fates are determined by these proceedings, are jealously excluded from any knowledge of the proceedings. They are not consulted, they are permitted to adduce facts, they are not allowed to know what is going on. The rents are compiled and corrected by the Settle-

ment Officer, the land revenue is assessed by the settlement Officer, the Report is drafted and submitted by the settlement Officer in the dark—without consultation with the people. The Report goes to the Commissioner for his sanction, and the people wait in ignorance and silent expectation. The Commissioner sends it up to the Chief Commissioner, and the people are still waiting in ignorance. When the Chief Commissioner has approved and sanctioned the new assessment, then the settlement Officer first discloses to bewildered landlords the new assessment on their estates which they shall have henceforth to pay.

41. Suppose the landlord objects to the new assessment. To whom does he carry his objection? To the Commissioner and the Chief Commissioner who have already sanctioned the settlement. The assessment is as much their work as it is the work of the Settlement Officer; and it is obviously unfair that appeals against the assessment should be heard by them. They could hardly make large alterations in the settlement which they have already considered, examined, approved and sanctioned, without stultifying themselves. Why should not such objections be heard by independent tribunals—judges experienced in Land Revenue work? The answer given by the Government of the N. W. P. is, that to appoint such independent tribunals or Land Courts “might possibly touch the financial solvency of the Government”. The reason, though advanced by so high an authority as Sir Antony Macdonnell, appears to me incomprehensible. It can scarcely be that revenue officers strain the rules unfairly in order to secure financial solvency. And it is as difficult to imagine that British Judges of high position and repute will strain the rules in an opposite direction to bring on financial insolvency. And yet it is necessary to make one of these suppositions to justify the present practice of permitting assessing officers to hear appeals against their own work. The people of India seek for justice; and the financial solvency, as well as the prestige of the British Government is strengthened, not weakened, by a just ad-

ministration. The people demand that the assessment of estates should be made in consultation with the assessed from the commencement, and that objections against the assessment should be heard by tribunals other than those who have made it.

#### *Cesses.*

42. The Jubbulpore Land-holders' Association, Mr. R. C. Dutt and several others are opposed to the imposition of any cesses on cultivator's land. Mr. Charles James Connell was entirely against the imposition of cesses (*vide* pages 145 to 147 of his Land Revenue policy). Lord Northbrook has shown firmness and wisdom in setting his face steadily against all proposals for exacting larger revenue from the land, that the assessments calculated at half assets will afford. He further expressed his view in a concise speech:—  
 "I wish to observe, that in my opinion, there is no necessity for imposing new taxes in India, and revisions of the land settlement should be conducted with great moderation and consideration for existing interests." In the first place, the cesses greatly added to the burdens on an overloaded population. And secondly, as the new cesses were imposed on the soil, they violated the limits which the East India Company and Sir Charles Wood had fixed for the Land Revenue, both in permanently settled tracts, and in provinces where settlements were made for 30 years on the principle of demanding half the rental. The Local Rates which were imposed by the Company's Government on the soil were small and insignificant and were generally based on the ancient village customs. Lord Lawrence, who was Viceroy of India from January 1864 to January 1869, was unwilling to empower Local Governments to impose fresh cesses on the people, and was generally against the principle of the Decentralization scheme which was adopted by his successor. Questioned by the Finance Committee on this subject after his retirement from India, he said:—

"The system which was subsequently introduced was put before me, and I carefully considered it and I did not think it advisable to introduce it."

Sir Erskine Perry, Sir Frederic Currie, Sir Henry Montgomery, Mr. Henry Thoby Prinsep, Mr. Ross Mangles, Sir Frederic Halliday, Mr. Henry Fawcett, Sir William Muir, and Sir Charles Wingfield were all against the imposition of cesses on land alone in India.

43. These new cesses on land, with the power to add to them indefinitely, destroyed that definiteness in land assessments which had been secured by Lord Dalhousie in 1855 and by Sir Charles Wood in 1864. Generations of statesmen had grappled with the difficult Land Revenue problem in India, and after many blunders, had limited the land assessment to one half the actual rental or one half the economic rent. The few local cesses which were imposed on land in addition to this Land Revenue were so insignificant upto 1864, and so often based on old local customs, that they did not count; and the people of India did not consider them a violation of the half rental principle. It is painful to record that the limits fixed for the land-revenue after more than half a century of administrative experience were now lightly swept aside; and powers were given to local Governments to add indefinitely to the cesses on land. The new policy virtually took away with one hand the priceless security which had been given by the other. The State demand had been limited to 50 per cent of the actual rental; other demands under other names were now added.

44. The system followed down to 1875 was to assign a portion of the land revenue itself for these local purposes. Sir William Muir explained this principle clearly and forcibly.—

“The correct principle, as it appears to the Lieutenant Governor, is that which is followed in these provinces, viz to assign a fixed portion of the Land Revenue for local objects. This is now done always at the time of settlement by setting apart one eleventh of the entire demand, or one tenth of the Imperial Land Revenue, for purposes of revenue; police, district roads, district dak (postal service), village education, and sanitation, duties, the discharge of which is to a large extent obligatory on Government.” (*Vide Smith's Manual*, page 208).

45. I have never been able to understand why the landholding classes out of all the classes of the Indian population, should be specially singled out for taxation for support of education, roads and post offices. It is necessary to raise revenue, apart from the general revenues of the Empire, for these objects, why should not a tax, affecting the entire population in a fair and equitable manner, be introduced, instead of a tax which falls on one class alone? It is no security to limit the revenue demand, and then to go on imposing other burdens on land, and try to differentiate them by calling them cesses instead of additions to the revenue, which they really are. The question of the cesses was discussed before the Parliamentary Committee which sat on the subject of Indian Finance in 1871-74. I give below the opinions of Mr. Fawcett, who was one of the members of the Committee, and of Sir Charles Wingfield, who was examined as a witness. Mr. Fawcett:—The thirty years' settlement, in fact, becomes a meaningless farce, if, after you have made a thirty years' settlement, you can impose new cesses on the land simply at the free will of the Government.

Sir Charles Wingfield:—So it has always appeared to me.

Mr. Fawcett:—And according to this action which the Government has taken, the proprietors of Oudh have no security whatever that, if the exigencies increase, they may not find cess after cess to any amount imposed.

Sir Charles Wingfield:—Certainly not. The people can, therefore, fairly demand that the half-rental rule should be honestly adhered to. The total assessment on the soil should not exceed half the actual rental including cesses.

*Permanent exemption of improvement from assessment.*

46. One more salient point I want to bring to your honour's notice is that I had field No. 20, area 29.33 acres and the land tax was Rs. 18-12 as khud-kast under the old settlement. In the current settlement the number of the

same field is 15, area 28.38 acres and the new assessment is Rs. 64-8. As this farm was not even giving moderate produce, I laid out an orange garden and built a pucca well at the cost of Rs. 1500. In reward to this improvement the Settlement Officer enhanced the assesment on this field from Rs. 18-12 to Rs. 64-8 which is nearly  $3\frac{1}{2}$  times more than the old assessment. This kind of exorbitant and severe assessment is opposed to the sound principles enunciated in the last portion of para 12 of Revenue Book circular 1-9 which reads as follows:—

“It was found that the improvement had been made since the last settlements he would go no further in his enquiries but would exempt it there and then.”

Paragraph 11 of the above circular reads:—

“We would propose to exempt all durable improvements from assessments at the next ensuing settlement, extending the exemption to (1) embankment of land (2) Irrigation of land by the construction of durable wells. The maximum term of exemption from assessment would be 39 years and the maximum term 21 years.”

This proposal of the C. P. Government has been accepted by the Government of India in Mr. W. C. Macpherson's letter No. 103-29-2-R. dated the 31 January 1888 and it further adds.

“but His Excellency the Governor General in Council considers that, in fixing the term for which exemption from assessment should be allowed, specially costly works should receive special treatment.”

I would further request a reference to Government of India Resolution No. 6-193-2 dated the 24th May 1906 which says;—

“As already said, they are entirely in favour of the policy of granting exemption from assessment to new improvements *for a period sufficient to recoup the land-holder for his expenditure*, but they attach still greater importance to the prompt relief from over assessment of holdings which have suffered deterioration since they were assessed. The interests of the Government are identical with the interests of the people. The Government of India adhere not only in order to encourage improvements, but for the attainment of an equitable distribution of the land-revenue demand.”



The Famine Commission of 1880 recommended a permanent exemption of assessment for improvements. The Famine Commission of 1901 in para 315 and 316 and the Irrigation Commission of 1903 in paras 179 and 180 of their reports strongly recommended that all improvements should be permanently exempted from assessment to revenue. Section 11 of the Land Improvement Loans Act 19 of 1883 provides also for exemption. In spite of these weighty expressions, the Settlement Commissioner says:—

“His statement that his improvement has been assessed is untrue.”

It is not clear, definite, and intelligible to me on what basis the assessment is enhanced if the improvement is not taxed. The Settlement Officer or the Settlement Commissioner must clearly and definitely show me the grounds on which the assessment is so abnormally increased. Last year I spent a sum of Rs. 310-1-3 in this field whereas the crops I reaped were worth of Rs. 82-10-3. Such being the state of crops, I can not at all understand how the Settlement Officer could enhance the assessment by 350 per cent without showing any reasonable and sufficient cause. Apparently his mode of assessment is most arbitrary. I would now deal with field No. 30. The old assessment on this field was Rs. 35. It is raised to Rs. 41-4 in the current settlement. The fertility of this field is so poor and so much deteriorated that I can not and could not even get back the seed sown last year. In this field the seed did not at all germinate last year. Even grass does not grow in this field. In spite of such broad facts the Settlement Officer raised the land-tax by Rs. 6-4 on this field. On the contrary this field deserves to be altogether free from assessment as I reaped no harvest from it. I still uphold that my improvements have been assessed. My account books will clearly show that I had been suffering loss in this village for the last five years. I can not adduce better convincing proof than my account books. It is a similar case with my other home-farm land. Last year I sowed in some of my

home-farm land 9 khandees of wheat whereas the out-turn of crop was  $5\frac{3}{4}$  khandees i. e. I lost  $3\frac{1}{4}$  khandees from the seed. The cause of this is firstly, the land was deteriorated and secondly, it was for want of October rain and thirdly, it was due to the hail storm we had in our village sometimes in January 1915. My agent further informed me that he showed the assistant settlement officer most of my home-farm fields. He admitted the deterioration of the soil and loss of productive power in all of them. In this connection, I beg to invite a reference to para 57 of the Government of India Resolution dated the 16th January 1902, from which I quote the following extract:—

“ For some years past the Government of India have insisted upon the importance of the early detection of cases of local deterioration, and have committed to Provincial Department of Land Records and Agriculture the conduct of systematic enquiries to this end. But the information thus collected has not always been fully utilized, and there have been cases in which a reduction of revenue was not granted till the troubles of the people had been aggravated by their efforts to provide the full fixed demand. But in this matter the interests of the Government are identical with the interests of the people, and it is unwise to exact from impoverished persons a revenue which they really can not pay, merely because they are under an engagement to pay it. The Governor General in Council is convinced of the desirability of granting prompt relief in these cases whether they involve tracts or single villages, even though such a course may involve a departure from the strict principles of settlement. The amount of revenue which the concession will cost to the State will be insufficient compared with the advantages obtained in assisting and encouraging an afflicted population.”

It is further enunciated in paragraph 58 (13) of the aforesaid resolution that a more general resort to reduction of assessments in cases of local deterioration, where such reduction cannot be claimed under the terms of settlement. Emperor Alungcer's Fairman Nos. 4, 10 and 18 to Mohamed Hussain in the year ( 1668-1669 ) are also in support of this sound principle. In disregard to all these authoritative and weighty declarations the Settlement Officer exorbitantly

increased the land-tax. In appendix B hereto annexed, I have shown in details the assessment of each field, the expenses incurred and the loss suffered each year from 1910.

47. I repudiate the Settlement Commissioner's remarks that I raised my home-farm from 31 to 218 acres mainly at the expense of my occupancy tenants. On the contrary, I paid my predecessor for every acre I till and did not usurp any field from the tenants. The Settlement Officer increased the assessment by imaginary calculations which are incomprehensible to me and my village therefore requires complete revision of assessment based upon actual out-turn of crops. Both the Settlement Commissioner and the Settlement Officer say that the Malguzari assets in my village have been reduced from 60 to 56 per cent.. I can not comprehend how it works out at 56 per cent of the rental. According to my knowledge of the calculations, the State demands including cesses works out at  $64\frac{1}{2}$  per cent in the previous settlement and  $61\frac{1}{2}$  per cent in the current settlement.

*Soil unit system.*

48. The soil unit system which was unknown in India does not suit the condition, customs, manners and usage of this country. It is the most complicated and most cumbrous, most imperfect and unreliable system that has been introduced in these provinces since the Settlement of nineties. It is not clear, comprehensive, definite and intelligible to the cultivator as well as the malguzar. It at last comes to the intelligence and discretion of the Settlement Officer after all the to-do about scientific preciseness and so forth in the new system. All the science evaporates and terminates in a discretionary fixation, practically at the will and pleasure of the Settlement Officer. This system impoverished the cultivators and proprietors because it absorbed considerably a larger proportion of produce than the ancient law of Manu as State demand. I am corroborated in this opinion by Sir J. B. Fuller who said :—

“ When all is done to make rent and revenue assessment as precise as possible, there will always remain a wide margin for the

intelligence and discretion of the settlement officer. The weak point in the system, of course, the difficulty of framing the factors, the figures, that is to say, representing the relative value of different soils, which are used as multipliers to reduce areas to a common denomination of soil units. The results of actual crop cutting experiments are useful, but can never be sufficiently numerous to be really reliable."

Baden-Powell, at page 420 of volume II of his treatise said:—

"We confess that we do not understand why, if the system of soil-unit incidence is to be relied on, so complex method of enhancement is necessary, and it may be added that if it is necessary, it seems greatly to diminish the value of the system itself."

He further said:—

"It is possible, however, that there are reasons for distrusting the unit incidence as a guide to assessment which are not at first apparent, and it may also be that in some cases even a detailed scrutiny of individual holdings, fails to furnish rates high enough to yield a perceptible enhancement."

This view of Baden Powell has been confirmed by Pioneer Leader of Allahabad dated the 30th January 1889.

49. To come to Central Provinces orders regarding the classification of soils. The Settlement Code says:—

"S. 72. The classing of land will be effected by the Patwari in accordance with the special rules framed for each district. Fields will be classed by entry in a classing statement and not by entry in column 3 of the khasra, which will be filled up in office after the classing has been finally passed."

"S. 73. The Patwari will note in pencil on the map the soil of each field as he surveys it, using abbreviations. This will enable Revenue Inspectors to check soils when they check survey."

Mr. De Brett admits that the system of soil classification is somewhat complicated. It is, however, nowhere stated what assurance there is that the scientifically trained Patwaris on 8 and 9 rupees pay per month do really understand this complicated classification and do really follow it faithfully. At page 6 of Jubbulpore Settlement Report of nineties it is stated:

"this system of land classing no doubt complicates work."

but nowhere again it is stated whether all the Patwaris understand all these complicated distinctions thoroughly and whether they follow them with fidelity. At page 5 of Damoh District Settlement Report, after going through the stereotyped grades of description, the section closes with a wonderful sentence :

"The system of land classing adopted was, then, very complicated and served to bring out all the principal distinctions recognized by the people."

And so on throughout almost the whole range of the New Settlement Reports. This means that the classes are numerous and the distinctions are delicately shaded ; but still that they only give the principal distinctions recognized by the people. That is to say, the people have more minute distinctions than these admittedly numerous and complicated classes of soils. Will any one with a real knowledge of the agricultural classes of the Province seriously assert that this is so ? The fact is that the people know only a few broad distinctions in soil. These or nearly these were the classes wisely adopted at the settlement of sixties. And yet the present settlement reports speak in terms almost amounting to contempt of the classifications formerly adopted. Can it be seriously asserted that the "*New Patwari*," with his large circle, his paltry pay, his multifarious duties all perfunctorily performed, with his constant anxiety and efforts to increase his too slender authorized income, and with his best opportunity of creating a surreptitious income for himself during the settlement operations, can really understand or accurately carry out these admittedly complicated distinctions, or does really care to do so. In knowledge of these soil classes, whatever they may be, it is the Patwari who is confined to a single circle and has to go over each and every field (whether he does it honestly or not) that naturally knows the classes of soil better than his Inspector who has to attend to an enormously large area, hurriedly everywhere. Both may be ignorant of the "*complicated*" classes, but in the very nature of things, the Patwari must be ignorant

But the Patwari, admit all the occupations, legitimate or dishonest, already mentioned has hardly any leisure or inclination to use what little he knows. His Inspector, who knows less, supervises his work. And the process goes on in an ascending scale. The Settlement Code directs that the patwari shall classify the soils; that is, the Patwari who gets Rs. 120 per annum or more in some rare cases. The above is what happens in the Central Provinces.

50. Mr. Stock, the compiler of the Imperial Memorandum on Indian Land Revenue Settlements of 1880 thus speaks on the classifications of soils :—

“ The soil classes are those generally recognized by the people and usually are not numerous—simply following, under various names, the three main distinctions of clay, loam and sand ”

Sir Charles Elliott writes thus on the soil classification in his Farukhabad Settlement Report of 1868 -69 :—

“ Now, the result, the assessment obtained, may be correct enough under such a system; but the total obtained by a rate on soil treated in such a fashion is not an independent guide towards assessment, it is only a different way of expressing my views as to what the assessment ought to be. What a settlement officer wants is a real guide or check, independent of his preconceived ideas a result which he can not manipulate and tamper with, but which is worked out, as it were, by machinery, and is uninfluenced by his consciousness. In the same way, a *produce rate brings out an absolute result which you can not tamper with*. Now, I never hold with plough-rates or produce rates, and I always did hold with soil-rates but my soil rates were not independent guides like these, but the reflex of my own preconceived views.... This work employed a large body of men. I inspected on an average four villages a day, and kept 12 or more clerks at work on dissecting them—each village taking a man on an average about three days. On getting the bar areas, I could at once get out the soil areas, and made out a rough assessment at the time, with rates which, though I had not finally approved them, I was inclined to adopt, and was testing thus day by day to see if they would work.”

In not one of the District Reports of the new or current settlements is there to be found any account of any

work by the superior officers even distantly approaching the painstaking and conscientious thoroughness of work like the above. In the Central Provinces then (1) soil classification is done by the low-paid and ill-trained Patwaris; (2) there is a strong tendency among the Patwaris to over-class in order to please superiors or for other reasons; (3) the supervision is defective and perfunctory; and (4) the up shot is that there is serious over-classing of soils with the result of exaggerated rent standards for the use of assessing officers. It is why I am disinclined to rely upon the soil unit system. In order to verify my statement I would suggest to appraise the produce of some of my home-farm land and compare it with the soil unit rate and test whether my statement is correct or not. You will always find that the soil unit system always fetches more revenue to the Government whereas the produce rate which is the ancient system in India brings less revenue to Government. It is why the settlement officers are not inclined to follow the produce rates ascertained by appraisement.

51. And in the Chief Commissioner's letter No. 2678, dated the 16th March 1888, to the Government of India, the following important admission is made in explaining the new system:—

‘ In calculating what would be a fair rent for a tenant's holding, no attempt is made to argue by induction from such considerations as the amount and value of produce, the cost of cultivation and the share of the net profits which might, on theoretical grounds be reasonably taken as the rent.’

What does this go to show? I think it indirectly condemns the soil unit system which does not fulfil the above conditions and which is detrimental to the interests of the malguzars and cultivators and which is diametrically opposed to the ancient customs, usages and laws of the country. It is why I urge that the soil-unit system is unsuited to India and as such impoverishes the land-holding classes. The real guide in fixing the assessment is to take harvest prices at the threshing floor, not averages of other months.

*Injustice of differential rates of assessment.*

52. In this connection I would quote the exact words of the Jubbulpore and Nerbudda Land-holders' association in para 12 and 13 of their representation to the Secretary to the Legislative Council C. P. dated the 10th instant which read :—

“ Assessments are generally made on the status of holders rather than on the status of their holdings. A poor man neglects his cultivation or his village and enjoys leniency, while the rich man tills his lands well, helps his village, and is subjected to heavy assessments. Whether it is an equitable assessment is open to question. The rich man has to pay other taxes and subscriptions for public objects, and is thus doubly taxed.

13. The land should be assessed on its own merits and not on those of its owner. Strictly speaking, land should be valued on the original capability of the soil. If its condition is improved by the expenditure of capital, such condition should not be taken into account in the assessment.

53. The North-Western Provinces were the original model for the Central Provinces, and I cite below passages showing how it is there. Mr. Vincent Smith, the able and pains-taking Civilian, who wrote the exhaustive Manual for Settlement Officers in the N. W. Provinces, says at page 196 of his Manual :—

“ The reader will observe that the weight of opinion is decidedly against differential rates of assessment.....The fact is that when the revenue is assessed at 50 per cent of the rental actually realizable and heavy cesses are taken in addition, there is very little left for the land-owner.”

According to my information on the subject, I gather that in the vast majority of instances in the C. P. nothing is left to the land-owner in the current settlements i. e. of 1890 and 1914. I reproduce the views of Sir Charles Crosthwaite, who was for a time Chief Commissioner here, and of Sir Auckland Colvin, a noted financier, who had an unsurpassed knowledge of settlement work. Sir Charles Crosthwaite said :—

“ The question of assessing Talukdars or proprietors of large estates on a different standard from the small proprietor is a very



different one. Probably every one is a little harder on a large proprietor who has the means to coerce his tenants and can afford to go to law with them. But to assess a man to a larger amount simply because he happens to be well off, savours rather of communism, and is, I think, radically unfair. The assessment should be guided by the valuation of land, and not by consideration of the person who owns it. To assess a man heavily because he is rich, is as unjust as to assess him severely because he is very skilful and industrious. We have given up the latter error, do not let us adopt the former." (*Vide* page 198 of Vincent Smith's Manual.)

Sir Auckland Colvin said :—

"I do not think that we can adopt differential rates of assessment. We assess on the land, not on the turban. The largest properties subdivide the smallest properties pass into single hand. The claim of the Government is on the assets of the soil, not on the assets of the proprietor. To graduate the assessment by the owner's means would be not to base it on the land, but on the land plus the proprietors circumstances. The last element is one which an unscrupulous Government may admit, but which does not enter into the eastern theory of the claim of the State on the soil. If the proprietor varies it is with the quality of the soil not with the quality of the passing proprietor." (*Vide* page 200 of the aforesaid Manual.)

Articles 170, 196, 203 (9 and 10) and 217 of the C. P. Settlement Code are diametrically opposed to the above sound enunciation of the principles and it is hoped that Government will keep these considerations altogether out of view. This method of differential rates of assessment impoverished the malguzar and cultivator who have suffered heavy losses year by year. This policy of assessing on the status of the malguzar and cultivators is most dangerous to the welfare and prosperity of the land-holders and it is also contrary to the customs, laws and usages of this country. I loyally appeal to the Government to immediately discontinue the policy and score out the above articles from the Settlement Code.

54. I put forth before your honour all the facts and figures concerning this appeal and it is left to your honour's sound judgment to decide it on a fair, just and equitable basis.

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## APPENDIX (A).

Agriculture year.	Area of the cultivated home farm.	Assessment.	Amount of produce.	Approximate percentage of assessment.	Assessment at 1/10th of the produce.
		Rs.	Rs. as. p.	Nearly.	Rs. as. p.
1910-1911	217-71	249	806 12 0	31	80 11 0
1911-1912	217-71	249	848 8 0	29 $\frac{1}{2}$ Nearly 20	84 14 0
1912-1913	217-71	249	1254 10 0		125 8 0
1913-1914	217-71	249	630 8 0	39 $\frac{1}{2}$ Nearly 57 $\frac{1}{4}$	63 1 0
1914-1915	217-71	403	704 4 0		70 7 0
Total ...		1399	4244 10 0	177	424 9 0
Average of 5 years		240	848 15 0	35 $\frac{3}{4}$ percent	84 15 0

NOTE.—From the above statement it will be seen that the average assessment of the last five years is 35  $\frac{3}{4}$  percent of the gross produce which is three and half times more than the officially admitted 1/10th of the gross produce. It is therefore necessary that the land should be assessed at 1/10th of the produce otherwise there will be disastrous effects on the malguzars and cultivators in the near future.

## APPENDIX (B.)

Agricul- tural Year.	Area of the cul- tivated home- farm.	Assessment.		Amount of expenditure by way of grain.		Amount of expenditure in cash.		Total of column nos. 1, 2 & 3.		Amount of produce.		Profit.		Loss.	
		Rs.	a. p.	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.	Rs.	a. p.
1910-1911	217-71	249	0 0	138	7 3	996	15 6	1384	6 9	806	12 0	0	0 0	577	10 9
1911-1912	217-71	249	0 0	254	11 3	1023	2 3	1526	13 6	848	8 0	0	0 0	678	5 6
1912-1913	217-71	249	0 0	191	9 6	878	3 6	1318	13 0	1254	10 0	0	0 0	64	3 0
1913-1914	217-71	249	0 0	166	0 3	786	7 0	1201	7 3	630	8 0	0	0 0	570	15 3
1914-1915	217-71	403	0 0	580	3 9	780	2 6	1763	6 3	704	4 0	0	0 0	1059	2 3
Total ...		1399	0 0	1331	0 0	4464	14 9	7194	14 9	4244	10 0	0	0 0	2950	4 9

## PART II.

### *Averages.*

(1) It is pointed out in paragraphs 216 and 262 of the Famine Commission report of 1901 and in para 17 of Lord Curzon's Land Revenue Policy of 1902 that in the Central Provinces the incidence of land revenue is less than 4 per cent of the average value of the produce. Theoretically or according to mathematical calculations, it looked well on paper but it was not really so in vogue. We will be quite satisfied if we get statutory provision for this 4 per cent of land revenue. For the practical administrative purpose fixing the land revenue evenly and moderately in those tracts and in those individual cases where it presses hard on the population, the supposed average for all India or the provincial or District average is of little value. When the people of Madras complain that the State demand of twelve to thirty one percent of the gross produce impoverishes the cultivators, it is no answer to say that the average for all India is less than eight per cent. When the Malguzars of the Central Provinces represent that an enhancement of the revenue, exceeding a hundred per cent in some districts, has been made by the last settlement, and is felt as oppressive and severe, it is no satisfaction to them to learn that in Northern India the enhancement by the recent settlements is not over thirty per cent. It is not in this manner that practical statesmen deal with the grievances of particular localities in the United Kingdom; and when the case of the West-Island cottier or the Highland crofter is under consideration, we are not told that farmers in Devon or Lincolnshire pay a reasonable rent. Humane administrators will rather seek to consider the case of each locality and of each individual Malguzars and ryot, instead of flaunting the figures, supposed to represent the average for all India, for the whole province or the District, before our eyes.

(2) I have already explained above my reasons for considering such provincial or District averages useless for

our practical purposes. In the first place, inspite of all care and circumspection these provincial or District average figures are never accurate ; we never know the annual value of the produce of a whole district—much less of an entire province—in any single year, and our figures must to some extent be guesswork. And in the second place, I think you will agree with me, the low average of an entire province is no relief to a particular village or a particular field which may have been over-assessed. You show that the incidence of land revenue in the Central Provinces is lower than elsewhere in India ;—Is that fact any relief to a particular District, the revenues of which have been raised a hundred per cent suddenly at the last settlement ?—or to a village called upon to pay a third or more of the produce of its barren lands to *malguzar* ? What we want is a protection which will extend to all individual cases, a maximum proportion of the average produce which should not be exceeded in any single village or in any single holding. The most practical administrator in India, Sir A. P. Macdonnell, proposed such a maximum for each particular holding in Bengal in 1883. It must surely be the object of the Government to afford the same protection to the cultivators in the Central Provinces which was proposed for Bengal and which is virtually enjoyed in Bengal.

(3) I speak this not in a spirit of criticism but simply in the hope and belief that the Government which earnestly desires and endeavours to promote the prosperity of the agricultural classes, will see the necessity of framing some rules or sections in the new Land Revenue Act which will afford protection against over-assessment in every individual case, and will thus inspire the poorest and the most helpless classes of the agricultural people in these provinces with a sense of security, a knowledge of the limit of their liabilities, which does not now exist. If many of the complaints now made are exaggerated or unfounded, such a simple and definite limit of assessment will make such complaints impossible in the future. If some of those complaints are

well founded, the definite limit of assessment will correct the mistakes made. And if the provincial average is already low, then such a definite limit of assessment will not affect the land revenue at all, in the cause of good Government, and for the protection of the poorest and humblest of my agricultural countrymen, I appeal to the Government, to fix equitable limit, such as Sir A. P. Macdonnell proposed for Bengal, which will give security and protection not to districts generally but in the case of each individual village and each individual cultivator. These provincial or District averages do not meet the real difficulty, and do not give redress to the particular cases where the hardship is most severely felt.

*No trouble or difficulty was experienced in collecting the enhanced demand.*

(4) But when you allude to the absence of trouble or difficulty in collecting the land revenue as a proof of mild assessment, do you not overlook the unalterable loyalty and submission of my countrymen to every act of Government as to every calamity that Nature can inflict? In the famine of 1900, hundreds of thousands have perished in India without one act of disorder or disturbance; a scarcity one tenth in severity in any other country in the world would have been attended by riots and robbery, pillage and murder. If you take this loyal submission to the acts of the Government as a sign of prosperity and contentment, you teach the nation to adopt other and less desirable methods to manifest their grievances. I can safely say that to an Indian his *izzat* has been from time immemorial dearer than life and money. Petition to our rulers against hardship and oppression is the only method we yet know; and your remarks seem to teach us that this method of appealing to the justice of our administrators fail of its purpose; and that we have suffered by our loyalty to the powers that be! Educated India still has faith in this old method; the most distinguished leaders of the nation are the most moderate in their action and advice, and repress

to the very utmost in their power every suggestion of swerving from the path of loyalty. But all this is misunderstood. Their efforts to repress indiscreet acts on the part of any section of their countrymen are unrecognized: their advice and co-operation are carefully and rigorously excluded ; and their endeavours to express their views in a strictly constitutional manner and in the most sober and moderate form, is often set down. All this fills me with pain because the greatest desire of my life has been to see the British rule in India as popular, as it is undoubtedly just in its intentions. Moderate and loyal and representative Indians, if taken into confidence, can serve this purpose and fulfil this mission ; their exclusion is no gain to the strength of the Empire. To take a concrete example why should not the revenue settlement work in these provinces be under the control of a council consisting of the Settlement Officer, and two such loyal and representative men ? Their presence in the council would considerably help the Chief Commissioner know the views and condition of the people better, and to avoid mistakes ; in any case it would make the administration more popular, and keep the rulers in touch with the people.

(5) Another fallacy which has found place in paragraph 39 of Lord Curzon's Land Revenue Resolution of 16th January 1902 is that the defects of the present Land Revenue system of India are inherited from the old Native Rule. " The Government of India " says the resolution, " would not desire to claim for the Land Revenue system of British India an exactitude or freedom from blemish to which it can not pretend. Historically it owns its immediate origin to practices inherited from the most decadent period of Native Rule."

(6) Is this statement not in direct contradiction or not diametrically opposed to the opinion of Mr. H. E. Sullivan, a member of the Famine Commission of 1878, who said :—

" The foreign conquerors did take by force such portion as they required may be conceded, but it is not accurate to say that they were entitled to do so. The claim of the State is distinctly limited

by Manu, the oldest authority on the subject ; and on this ancient right, and on this only, our system of Land Revenue Settlement is based, as were those which we found in existence when the country came under our rule."

Besides the Governor General, in course of his instructions to the Resident at Nagpur, dated the 7th March 1854, laid down that the guiding principle which should pervade the new Administration was.

"to establish plain, simple, and efficient regulations on the basis of the ancient usages and laws of the country".

Was Lord Curzon justified in saying that the present Land Revenue system historically owes its immediate origin to practice inherited from the most decadent period of Native Rule ? Certainly not. Was he at all justified in over-riding the sound instructions given to the resident of Nagpur in 1854 by his predecessor ? He was not. According to Mr. H. E. Sullivan and the Governor General's instructions of 1854, the present Land Revenue system must historically owe its immediate origin to the ancient law of Manu and not to the barbarous practices of the Mahomedan and Maratha Rulers who deviated from their own ancient traditions and customs. Besides a reference to the settlement reports of sixties would definitely go to show that the settlement officers of those days did inherit the Indian Land Revenue system from the ancient law of Manu and not from the Mahomedan or Maratha Rulers.

(7) The decadent period of Native Rule has many sins to answer for, but in respect of over-assessment of the soil, the East India Company were the worst sinners. This is abundantly manifest from the Blue Books and official records of the early years of the 19th century. It is in evidence that the Company's servants swept aside Village Communities, Jagirdars &c. in order to come in direct touch with the cultivators, and they raised a land revenue such as was never known in India before. In Bengal the actual collection during the last three years of the Nawab's administration varied between six and nine million rupees ; in the first year after the Company obtained the Dewani, they



screwed up the revenue to nearly 15 million rupees; and in less than thirty years they made it 27 millions, by 1793. In Bombay the revenue of the territories acquired from the last Peshwa in 1817 was increased within a few years from 8 to 15 millions of rupees. In Madras, the Company's servants were actually taking about half the produce of the field as Land-tax at the very time. When, according to the testimony of Dr. Francis Buchanan, private landlords in Bengal were taking less than one fourth of the produce as rent. And in Northern India, the land revenue of the District ceded by the Nawab of Oudh in 1801 was raised from  $13\frac{1}{2}$  to 17 millions of rupees in three years.

The policy of continually screwing up the land revenue to a higher figure than was ever known in India before under any Native Rule, was steadily pursued by the Company's servants under the sanction of the Company's Directors; and all thoughtful and moderate Englishmen of the time deplored the policy. Verelst, Governor of Bengal replied in 1768 to the Directors fresh demands for increase by stating that: "It is totally beyond the power of your administration to make any material addition to your rents" Warren Hastings reported in 1772 that; "Notwithstanding the loss of at least one-third of the inhabitants of that province (Bengal) and the consequent decrease of the cultivation, the net collections of the year 1771 exceeded even those of 1768". Colobrook, writing in 1808, protested against "grasping at the highest revenue and wringing from our peasant the utmost rent". The Madras Board of Revenue raised its voice in 1818 against 'binding the ryot by force to the plough, compelling him to till land acknowledged to be over-assessed, dragging him back if he absconded, taking from him all that could be obtained. Bishop Herber, writing in 1826 said :

"The peasantry in the Company's Provinces are, on the whole, worse off, poorer, and more dispirited than the subjects of the Native Princes; and that no Native Prince demands the rent which we do".

Lieutenant-Colonel Briggs, writing in 1830 said :—

“ A Land tax like that which now exists in India, professing to absorb the whole of the landlord's rent, was never known under any Government in Europe or Asia”.

Robert M. Bird', the Father of Land Settlement of Northern India, said before the House of Commons in 1832 :

“ In Madras and other places the revenue was fixed too high at the beginning, and impoverishes the people”.

And the Hon'ble Mr. Shore, writing in 1837 said in Oudh :—

“ Every successive province, as it has fallen into our possession has been made a field for higher exaction : and it has always been our boast how greatly we have raised our revenue above that which the Native Rulers were able to extort”.

*Comparison of Mahomedan assessment with that of the British Government.*

(8) You compare the pressure of the Land Revenue under British rule with the figures which we possess of the assessments made by the Mahomedan Emperors of India. With reference to this comparison I should say that the British Government ought in this matter to rise superior to the practice of the Mahomedan or Native Governments. In those periods, according to my understanding of the subject, the Native or Mahomedan Governments were themselves deviating from their own tradition of past times, and the system of those degenerate days should not be pointed to for comparison, for the British Government would not be worthy of its position unless it rose superior to the system prevailing in those days. A fair comparison would be one with the Hindu kings that were ruling India before the Mahomedan conquest.

(9) According to the Hidaya the share of the king was one tenth of the produce. (Hidaya, Volume I, page 44).

(10) This rule of taking one tenth of the produce as Land Revenue was, however, scarcely followed in India, and the Mahomedan rulers of India realized what they could. The Emperor Akbar made a theoretical demand of one third

or one fourth of the gross produce ; but it may safely be asserted that the revenue he actually obtained did not come upto even a sixth, eight or twelfth of the gross produce of his Indian Empire.

(11) In the first place we are told in the Aini-Akbari itself that no measurements were made in some provinces, and the gross produce could not have been even approximately estimated. In the second place, where measurements and estimates were made, they had not the scientific accuracy of the measurements of more recent times, and it was possible for the millions of cultivators and the thousands of landlords or village headmen in every province to make the State officers accept their own figures and estimates. And thirdly and lastly, Akbar's figures only represented the demand ; it was the custom in the past centuries to fix the demand high in order to collect as much as was possible and it may be safely asserted that neither the collections of Akbar nor those of Aurangzeb, who raised the demand still higher, ever actually represented more than a sixth or eighth or tenth of the real produce of the great empire.

(12) British administrators in the early part of the eighteenth century began to collect the revenues rigidly which the Mahomedans, Marathas and Sikhs had fixed as their theoretical demand. It was not long before they found their mistake.

(13) One Collector, Mr. Dumbleton, pointed out and complained in the early years of the eighteenth century that the severe rates of the Nawab's Government were stereotyped by British administrators without the same elasticity in realising (vide Baden Powell's Land systems of British India, Volume II, page 14). Major Wace admitted that in the Panjab the revenue demand had to be successively lowered from  $\frac{1}{3}$ rd to  $\frac{1}{4}$ th and thence to  $\frac{1}{5}$ th of the produce. In the N. W. Provinces the revenue demand had similarly to be decreased from  $\frac{2}{3}$ ths to  $\frac{1}{3}$ rds, and from two-thirds to one half of the rental. And in the Deccan, the first endeavours to make a settlement on the basis of the Maratha demands ended in disaster and failure. It is

therefore necessary to bear these facts in mind in order to avoid the mistake which is so constantly made in dealing of the Land Revenue of India under Mahomedan rules.

(14) The next allusion is to Alaudin's demand of one half of the produce and Akbar's demand of one-third of the produce and that Akbar had the lands of the country roughly surveyed to ascertain the produce. But Akbar himself does not claim to have done so in all provinces. With regard to the whole of Bengal, the Aini-Akbari states:—

“The harvests are always abundant, measurement is not insisted upon, and the revenue demands are determined by estimate of the crop. His Majesty in his goodness has confirmed this custom.” (Volume II, Col. Jarrett's translation ).

If there was no measurement of the land, how was the estimate of the produce of a vast province prepared? Merely by rough enquiry; and does everybody believe that by such enquiry from the zamindars and cultivators of Bengal the officers of Akbar could ascertain the real produce of that vast province, and did succeed in realising a third share?

(15) So far with regard to Akbar's demand, now I come to Akbar's collections. It is a well-known fact that the demand was fixed in the olden days as an ideal standard which was never collected in full; that it was the policy in previous ages to fix the demand at a high figure but collections were made according to the state of the crops year after year. The servants of the East India Company often pointed this out, and contrasted the elasticity of the Indian method of collection with the rigidity of the company's method. To compare modern figures with these old figures is to compare collections actually made by British administrators with collections which were never made by Mahomedan administrators. And Sir John Strachey after quoting some figures supposed to represent Aurangzeb's land revenue, makes the sufficient remark at page 139 of his *India* (1911 edition):—

“ Whether these figures represent the demand or the collections is not stated but no doubt the former is intended.”

He further adds in the footnote at page 141 :—

“No confidence can, in my opinion, be placed in particular figures which purport to represent the amount of the Mogal revenues.”

Another Italian traveller, Careri, writing in 1695, says :—

“I was told that the Mogul receives from only his hereditary countries 80 crores of rupees a year. There is apparently no other authority, excepting these general statements for the conclusion that the total revenues of Aurangzeb approached 80 crores of rupees and I can not think that they deserve credence.”(Footnote page 140)

Mr. William Irvine, I. C. S. has in 1907 translated and admirably edited Manucci's *Storia to Mogor*, or story of Mogul India for the Indian Texts series. Mr. Irvine considers Manucci's figures very exaggerated and by way of comparison has added another return of a similar kind that was compiled in 1707 for the information of Aurangzeb's successors. According to this return the assumed standard land revenue demand for the empire in 1707 was 495,000,000 the actual demand for the year Rs. 330,000,000 and the amount collected was Rs. 285,000,000 only. Mr. Irvine remarks that figures as inflated as those given by Manucci are useless as a basis for comparing Mogul revenues with present day taxation.

(16) Sir William Hunter at page 136 of his *Indian History* says:—

“ It is doubtful whether the enormous demand of 38 millions was fully realized during any series of years, even at the height of Aurangzeb's power.”

(17) I dismiss the statements on the question of Mogul land revenue by such foreign travellers as Captain Hawkins, Sir Thomas Roe, Bernier, Dr. Broughton and Gemelli Careri as unreliable because their statements do not tally with one another. The discrepancies to be met with in their writings occur owing to the facts that either (1) they must have received exaggerated accounts from their informants, as it

is a common practice in the East to impose upon foreigners by false reports in order to show off the strength and grandeur of one's position ; or (2) they must themselves have been led to form a very extravagant notion of the Mogul revenue by the splendours of the Delhi Court and the Peacock Throne, parallels of which could be found nowhere in the history of the West ; (3) they must have made a sorry comparison between the currency of their respective countries and that of India ; or (4) what Sir Alexander Cunningham suggests they must have relied upon the official demand rather than the amount actually realized. Is it not idle then to refer to those figures in judging the present rates of land assessment in India ?

Like the Norman conquerors of England, the Mogul Emperors ceased to be foreigners and lived and died like the people of the soil. It is forgotten that the whole of Mogul revenues derived from the lands was spent in the country and ultimately shared in by the people. It fructified agriculture and the industries, flowing back to the people in one shape or another. Spent on the army it maintained and fed the people ; spent on the construction of great edifices or in articles of luxury it encouraged arts and industries ; spent in the construction of roads and irrigation canals it directly benefited agriculture. It is obvious that the people of a country can bear the incidence of heavy taxation better if the proceeds of tax flow back to the people themselves, than if a large portion of it is sent out of the country, adding to the capital and helping the trade and industries of a distant land. I am not here entering into the vexed question of the annual drain from India ; I am speaking here only of the pressure of the land tax on the people of India ; and must it be obvious to every candid inquirer that the same tax would fall lighter on a people which benefited by the tax, and whose trades and industries and agriculture were directly or indirectly fructified by the proceeds of the tax. It is a fact that *a very large proportion of the net revenues of India is now sent out of India i. e. nearly one half of the present net revenue of*

India flow out of the country, fructifying the trader and the capital of other lands, and impoverishing the people of India ; and it is therefore incumbent on the present rulers of the country to so moderate the land tax that it may fall lightly on the nation which depends on the land as virtually the sole means of their subsistence.

(18) Early in the eighteenth century, Sir John Malcolm saw this difference and spoke of Maratha rulers in these words :—

“ If these men exact money at times in an arbitrary manner, all their expenditure, as well as all they receive is limited to their provinces ; but, above all causes which promote prosperity is the invariable support given to the village and other native institutions, and to the employment, far beyond what our system admits. of all classes of the population ”.

Later on Sir George Wingate, who has been sometimes called the father of the Bombay Land Revenue system, saw in its true light the economical results of sending out of India so large a portion of the proceeds of the taxes paid by the Indian people and said :—

“ Taxes spent in the country from which they are raised are totally different in their effect from taxes raised in one country and spent in another. In the former case the taxes collected from the population are again returned to the industrious classes. But the case is wholly different when the taxes are not spent in the country from which they are raised. In this case, they constitute no mere transfer of the portion of the national income from one set of citizens to another, but are an absolute loss and extinction of the whole amount drawn from the taxed country.

Will not this difference plead with the modern rulers of India for a more moderate rate of land revenue than the Mogul or the Maratha or the Sikh levied ? The history in the modern world does not record another instance in which nearly one half of the net revenues of one country was taken away from that land to fructify the trade and industries and add to the wealth of another.

#### *Famines and assessments in general.*

(19) I would now discuss the causes that have led to famine. For it is only when the physician has diagnosed

the disease that he is able to prescribe a cure. To probe, therefore, to the bottom of the cause or causes of the severe famines which have visited this country during 1897 and 1899 is the paramount duty of the citizen and the State alike. Practical remedies which in a measure may tend to minimise the sufferings of famine in the future are only possible and feasible when the true causes have been accurately ascertained beyond all contradiction. And here it may be useful to remind you that famine is not a calamity known to India alone. Famines have prevailed all over the world from time to time. But we have heard very little of them during the last eighty-five years, save now and again in Russia, and sometimes in Ireland and Italy. Leaving aside all other countries, let us take the case of England alone. How is it that at least sixty years past there is no such calamity as famine, though the country depends for two-thirds of its food supply on foreign nations? Is it not the case that it is the vast and most satisfactory improvement in the economic condition of the English labourer and artisan which has banished the suffering? There might have been any quantity of food supply from foreign parts; but so long as there was the lack of the necessary means to buy that supply, the food for all intents and purposes might as well be at the bottom of the sea. None of the phenomenon, above all others, which was discerned on the surface in India in reference to the last famine, was the almost total disability of the masses to maintain themselves and their families no sooner than the conditions of a deficient harvest were established. This phenomenon was not a new one. But what happened in previous famines was that the famished did not resort to the relief camps in large numbers at the very outset. They did possess some staying power, some means which enabled them to subsist for a time without State relief. It was only when the pinchings of poverty became acute and began to be seriously felt, with the approach of the summer season, that they were to be noticed seeking relief. Why, then, this difference during



the last famine specially? The universal belief is that the staying power of the masses has vanished. That belief would naturally lead us to conclude that their economic conditions must have deteriorated. Mr. Justice Ranade was cautious enough to say in his report in 1881:—

“Of course, a famine visitation would expose the people’s solvency to a test.”

Here it seems there is a difference of opinion. There is the majority, more or less in full touch with the masses and their condition, which ascribes it to the growing impoverishment of the ryots, while there is the minority, chiefly the official classes, who attribute it to their imprudence and improvidence. In spite of this difference it appears that there is one agreement underlying the contentions of both. It is not denied that the ailment of the peasantry is an economic one. Economic causes, whether superficial, as one set of thinkers aver, or deep-rooted, as another set assert, are undoubtedly at work which have prevented the cultivator from saving enough in fat years to provide against the lean ones. Of late these lean years have been many. The peasantry, in one locality or another, has not thriven since 1891. Bad harvests or woefully deficient harvests have been frequent, which have plunged them into a heavier load of debt, from which they have barely found time to relieve themselves and be on their legs again. This much is generally acknowledged. But most of us, from our closer contact with the masses—a contact which it is scarcely possible even the best of officials can ever claim—are further of opinion that in addition to the misery and destitution arising from deficient harvests, there is the burden of the State demand for enhanced land revenue assessments which is gnawing into the vitals of the peasantry. This demand is rigid and is collected with all the hardness of the cast-iron system which British administration has introduced into the country. It is to be feared that periodical revisions of the Settlement Department have not a little to answer for agricultural indebtedness. Instituted with the best of motives, it is now

admitted by those who have carefully studied its history, say, from Lord Salisbury downwards, that revisions have been far from beneficial to the ryot. That great authority has observed in his memorable minute of 1879 that

“ We may fairly discourage scientific refinements in the work of assessment which are a natural exercise of the intellect in highly cultivated officers but which worry the ryot, distribute the burdens of State with needless inequality and impose a costly machinery on the State. ”

Thus, the periodic enhancements have been oppressive and beyond the means of the payers, who own a greater part of the country, own on an average seven acres of land. To satisfy the burdensome call at inconvenient seasons the ryot is driven into the arms of the money-lender. Once in the clutches of that entity it is almost hopeless for him to extricate himself. But this cause is denied by the officials. It is declared that the assessments are light, and that the ryot, if he suffers at all, suffers from other causes. Here, then, is a difference of opinion. Now and again departmental or other committees have sat to trace the causes. These have demonstrated that the agricultural indebtedness of the peasant is chiefly to be attributed to rack-rents. More, there have been a few careful observers, who, having fully studied this agricultural problem, have independently come to the same conclusion that we have been entertaining these many years. I have to refer you to the minutes of Sir Louis Mallet and Lord Salisbury on the subject, made as far back as 1870, and which are officially embodied in the appendices to the Famine Commission Report of that year. I would be taxing your patience and time too much if I here cited even a hundredth part of what they said. Suffice it to say that Sir Louis Mallet was strongly opposed to survey settlements and the enhancements of land revenue, with their logical resultant. He had no hesitation in observing that “the policy of further taxing the land might easily become a political danger”.

From the economical point of view he regarded such a policy as,”

"Mischievous", and directly tending.

"To a progressive pauperisation of the community".

This was said in 1879, but who will deny the prophetic character of Sir Louis Mallet's observation, with the knowledge and light of the two famines? Progressive pauperisation is a fact which can not be ignored. But it was not Sir Louis Mallet alone who had scented the economic mischief from afar and sounded the tocsin of "political danger." As early as January, 1883, a thoroughly able writer, fully conversant with economic situation of the peasantry of the country, gave an equally serious warning in more unmistakable terms in the columns of the *Spectator* of London. It was observed that :

"All accounts, independent and official, show that the ultimate difficulty of India, the economic situation of the cultivator, is coming to the front in a most disheartening way, and is exciting among the most experienced officials a sanction of positive alarm." That was the "great Indian danger."

Of the future. He accurately described the situation as follows :—

"Tens of millions of persons there either can do or will do nothing but cultivate; and if cultivation does not pay what hopes have they? The traders do not buy more food of them for being rich, and they have only food to sell. They can get their clothes cheaper through free-trades and railways, but they have reduced clothes to such an appreciable minimum that the saving is not a rupee a year per house. They need nothing save only land; and land, under the pressure of numbers becomes so dead, that either the profit per acre will not keep them, or they get too few acres for a maintenance. Other occupations would save them, but they must be occupations for millions, and where are they?

I ask you, all the same question which the writer put thirty-two years ago. "Where are they"? We should be all glad if there be a single official in the country who could unhesitatingly and courageously declared to-day that the description of the masses just related has been in any way exaggerated. Was he at all drawing a pessimistic

picture when the same experienced writer further described the economic condition of the cultivators?

“Five people can not live and pay a direct tax in money and the interest of the old debts at 16 percent upon five acres of over-cropped soil, without danger in bad years of a catastrophe. That is the position of the whole districts in India. All, however, that we want is a thorough examination of the subject by men who can lead opinion.”

(20) Let me now refer to one more authority. As Secretary of State for India, it fell to the lot of Lord Salisbury to review the whole land-revenue policy of the Government of India in the seventies. Referring to the minutes of many of his colleagues on that policy, as questioned by Sir Louis Mallet, his Lordship observed that “they mostly shrink from the general discussion.” to which he has invited them. On his part, however he gave his opinion in a most decisive way :—

“So far as it is possible to change the Indian fiscal system, it is desirable that the cultivator should pay a smaller portion of the whole national charge. It is not in itself a thrifty policy to draw the mass of revenue from the rural districts where capital is scarce, sparing the towns, where it is often redundant and runs to waste in luxury. The injury is exaggerated in the case of India, where so much of the revenue is exported without a direct equivalent. As India must be bled, the lancet should be directed to the parts where the blood is congested or at least sufficient not to those which are already feebly, from the want of it.”

Is it not possible to free the land, (virtually the only source of the nation's subsistence) from these increasing and irritating assessments? Is it not possible in the words of Lord Salisbury so to change the Indian fiscal system that “the cultivator should pay a smaller proportion of the whole national charge?” He will be a wise and a great administrator who will give to the agricultural people of India the assurance of some clear, definite, intelligible limit of the Government demand on the produce of the soil—a limit which the peasant as well as the landlord will easily comprehend, and which the Settlement Officer and the Revenue Collector will strictly adhere to.

(21) It will be thus obvious to you that even as far back as 1897 the condition of the peasantry was such that so well-informed a Secretary of State as Lord Salisbury, who was capable of forming an independent judgment on the merits of the Land Revenue policy of the Government of India recognised the necessity of moderating the assessments. But what has been the actual fact? You have only to discover what has been the revenue derived from land in every province save Bengal to learn for yourselves how much of the increase is owing to normal causes, to improved communications and to the law of unearned increment, and how much to pure enhancement unaccompanied by any reasons whatever. An exhaustive inquiry into this matter will, no doubt, bring facts to the surface to confirm the view universally held. Lord Salisbury would have a difficulty in pointing to the congested parts where he could apply the lancet with safety, for the body has grown feebler and feebler and is now in an utterly prostrate condition.

(22) If such, then, be the condition of the peasantry it is not time then for an exhaustive inquiry of an open and independent character long since demanded, so as to collect all evidence which may decisively determine the principal causes of the present agrarian situation? For it is superfluous to add that any palliative measures to remedy superficially the actual disease can never lead to the improvement which all are anxious to seek. The misfortune is that in the first instance the Government of India has shrunk from doing so. It has long since dreaded to rag into day-light this great skeleton in its cup-board. But the irresistible march of circumstances is certain to leave it no alternative but to expose it. A public inquiry, therefore, is inevitable. Government can not any longer play the policy of the Ostrich. It is more statesmanlike to face the ugly question and find out the truth. It is the safest as well as the speediest course. For the longer it is delayed the worse will be the agrarian situation. And not all its legislative measures will be able

to assert what Bacon calls the "*rebellion of the belly*," when it sets in right earnest. As the Manchester Guardian dated 2nd November 1901 has tersely put it :—

"We are forced to ask ourselves whether these economic evils may not be traced directly or indirectly to that famous system of Government which has been slowly built up by the labours of many great Englishmen, and whether, while anxious to do our best for India, to give her a thoroughly just and good administration, we are not unconsciously undermining the foundation of Indian society, which rests upon the peasant cultivator in his village community. The whole system of land tenure and of taxation is called in question by the repeated famines, each worse than the one before it, which we have witnessed of late years."

(23) It is, therefore, to be devoutly hoped that the inquiry which the Indian Famine Union has prayed for in its most influentially signed memorial will be speedily granted. It is similar in principle to the inquiry which the Congress itself has asked for. The time for criticism has passed by, and that for constructive statesmanship has arrived. But the construction can only proceed upon a solid foundation, of ascertained facts. The materials for the foundation, therefore, are the first essential. The inquiry should consist of an examination into the economic condition of a number of selected village by means of Provincial Commissioner of one-third of officials and two-thirds of non-official in whom the public have full confidence specially chosen for each province. I am inclined to the view that a single roving commission going all over the country is most unlikely to achieve that object. Each Indian Province differs from another. Each has its own idiosyncracies and conditions. It is therefore essential that Commission of experienced persons of local knowledge should inquire into the agricultural condition of each of the typical villages in their own respective provinces. Perhaps the expenditure of such Provincial Commissions may be somewhat large, but, in my opinion, it will be more than rapid by the valuable recommendations they may make. It would be grievous in this matter to have a dead uniformity all over the country which each province differs

so much in economic conditions with another. What may suit the villagers in the districts of Panjab can hardly be said to suit those residing in the districts of southern India. When the exact economic position of the different provinces with their history and the causes of their difficulties is ascertained we shall be on no solid ground. In my opinion, the best way to proceed would be to ascertain from the books of sowkars, traders and others, the prices of crops, corn, and so forth, and the cost of cultivation and maintenance at one period, and compare it with similar statistics of the latest year before the out-break of famine. It may be also important to learn which may be the villages which can boast of tiled roof houses instead of the humble thatched ones; what may be the general quality of the food; what may be the domestic furniture, whether metallic things have replaced the primitive earthen ones and so on. Lastly, the percentage of households which may have shown these increased mark of property. It is only by such a comparative compilation of statistic that the increasing prosperity or growing improverishing of each of the typical villages can be found on which to build a fairly stable inference and proceed thereafter to prescribe the necessary remedies. Meanwhile it is available to suspend all further land legislation of the rigorous character of the C. P. Land Revenue and Tenance Amendment Bills. It can not be said that the agrarian legislation of the last thirty years for the amelioration of peasantry has rendered any good.

(24) Nothing at this juncture in the administration of India is more to be deplored than legislative measures for the so-called improvement of the peasantry. History teaches a painful lesson in this respect which, it is to be hoped, the Government will bear in mind. Agrarian reforms, to cure a desperate agrarian situation, whenever undertaken in opposition to the views and the interests of the peasants, have ended in great political disasters. We need not refer to what distinguished Roman writers have said of the agricultural conditions of their own times.

Again coming to modern times, we need not refer to the condition of affairs in France, in Turkey and in the United States. In my opinion the less there is of agrarian legislation in which is to be discerned more of the arbitrariness and cupidity of rulers than their moderation and justice, the better for the peasantry and the country. Justice must be respected. Let him who sows reap, and let him who plants the tree eat its fruits. Such injustice in agrarian legislation, where the cultivator is sought to be deprived of a larger and larger portion of the fruit of his labour, must eventually culminate in slavery. The ultimate result of this policy is that the labour of the peasant is blighted and becomes barren leading to those economic evils from which he now suffers. It is to be feared that so far as the new Land Revenue Legislation of the C. P. is concerned these evils are likely to show themselves in all their ugliness as its operations extend. None doubts the beneficent intentions of the Government. But after all such intentions are judged by results. It will be greatly regretted in this matter if no attention shall be paid to the popular voice. Our Government refuse to consider the appeal of the public to suspend the reference of the land Revenue and Tenancy Bills to the Select Committee and allow them reasonable time to examine and consider the provisions of the amendment, which is undoubtedly of a revolutionary character, and which seeks to establish State landlordism in the country, which one of the Viceroys, so far back as 1880, repudiated on behalf of his Government. I have no inclination to enter into any disquisition on the subject of land tenures in the country. This is not the time nor the place for it. I only beg to draw your attention to one fact and it is this that, as Sir Louis Mallet observed, there is absolutely no fixity in the land revenue policy of the Government. Everything varies with views of successive Governments. Hence have arisen a mass of inconsistencies in its land revenue system. Lord Salisbury cynically observed:—

“Have we any grounds of thinking they will cease? They are not merely subjects of reproach; they are a warning of the



fashion after which our Indian Government is made. By the law of its existence it must be a Government of incessant chances. It is the despotism of a line of kings, whose reigns are limited by climatic causes to five years."

But the despots return to their homes, while the effects of their despotic action remain to harass and annoy a much enduring and patient people. Consider the action of our Local Government and confirmed by the Government of Lord Elgin, in the matter of the C. P. Tenancy Act 11 of 1898, whereby the right of free alienation of ordinary, occupancy and malguzar's sir-land has been by a stroke of the pen abolished in the face of the strong protests of the whole province and the strong opposition of the Hon'ble Sir Gangadhar Rao Chitnavis. It is the first forcible attempt at the assertion of State landlordism, which the Government of Lord Lytton, by its despatch of 18th June 1880 to the Secretary of State, indignantly repudiated:—

"We do not accept the accuracy of the description that the tenure of land in India was that of cultivating tenants, with no power to mortgage the land of the State, and that land is the property of the Government held by the occupier as tenant on hereditary succession so long as he pays the Government demand. On the contrary the sale and mortgage of land were recognised under the Native Governments before the establishment of British Power, and are not uncommon in Native States at the present time. It has been one of the great objects of all the successive Governments of India, since the days of Lord Cornwallis, if not to create property in land, at all events to secure and fortify and develop it to the utmost. The Government undoubtedly is the owner of a first charge, the amount of which is fixed by itself on the produce of all revenue-paying land in India, but over the greater part of the Indian Empire it is more the owner of the cultivated land than the owner of the rent charge in England is the owner of the land upon which it is charged ! (vide para 31)."

(25) Sir Louis Mallet in his memorable minute on Indian Land Revenue dated 12th April 1875 said :—

"I shall rejoice to see a limit placed on future assessments, with a view to which the renunciation of the theory of State land-

lordism would be the most effectual step. In speculating on its future resources, I should like to see the Government steadily putting rent out of view, as only liable to taxation in common with other forms of property."

(26) Mr. H. E. Sullivan, Member of the Famine Commission of 1878, said on Indian Land Revenue as follows:—

"I, therefore, now place on record my reasons for dissenting from a doctrine of State landlordism for which I believe there is no historical foundation, which the action of Government itself goes to disprove and which, if accepted, might lead to most mischievous results. In support of the theory of the proprietary right of the State in the soil it is stated in paragraph 2, page 90 of the Famine Commission Report of 1879, that by "immemorial and unquestioned prescription the Government is entitled to receive from the occupier of the land *whatever portion it requires of the surplus profit left after defraying the expenses of cultivation.*" If for the sentence which I have italicised the words '*a certain fixed portion*' be substituted, the claim of the State would be correctly represented. That foreign conquerors did by force take such portion as they required may be conceded, but it is inaccurate to say that they were entitled to do so. The claim of the State is distinctly limited by Manu, the oldest authority on the subject. He says the revenue consists of a share of grain, and of all other agricultural produce. On grain, one twelfth, one eighth, one sixth, according to the soil and the labour necessary to cultivate it. This also may be raised in cases of emergency even as far as one fourth. Now here there is not a word which can be twisted to show that the State has any right of ownership in the soil; all that it is entitled to is a certain fixed share of the produce *and on this ancient right and on this only our system of Land Revenue Settlement is based as were those which we found in existence when the country came under our rule.*

Coming down from Manu to our own times, let us see if the British Government has ever asserted a general right of ownership in the land. When railways were first commenced in India one of the concessions made by the state was the provision free of charge to the companies, of the requisite land. If, as represented in the report, the Government was *the paramount owner* and the agricultural community merely its tenants all that it had to do was to exercise its rights of ownership give its tenants notice to quit and hand over the land to the railway companies. But so unconscious was it of having such rights that legislation has had recourse to and in 1850, 1857, 1860, 1870 and 1894. Acts were passed to

enable the Government to acquire the land for public purposes and an elaborate code of procedure was framed to regulate the mode of acquisition and the price to be paid by Government to the owners.

I defy any one to show that the rights of the Indian landholder under whatever name he may be known in various parts of the country are here overstated and I submit that the exercise of all or any of them is inconsistent with the position of tenant of the State which is that assigned to him in the Report. If the foregoing be correct what vestige of ownership in the soil remains to the Government? That it is practically nil is shown by the fact above referred to that legislation was necessary to enable the State to acquire by purchase the rights of the people in the land. If then the State be not the owner, the people cannot be its tenants nor can the share of the produce of the land which they contribute towards the public necessity be designated rent. It is, therefore, a tax and as such must be taken into account in calculating the incidence of taxation."

I have elaborately discussed the subject of State landlordism in the issues of Hitawad dated the 27th February and 6th March 1915. I, therefore, do not wish to deal with it at length here.

(27) All that I can say is that the idea, that the condition of cultivators can be improved not by helping them to save, but by restricting their right of sale and mortgage, is an old idea which has been found utterly unsound in Bengal. The policy was again advocated when the Bengal Tenancy Bill was under discussion in 1885. The absurdity of relieving the cultivators by virtually taking away from the market value of the one property they have on earth was strongly exposed, and the idea of placing away restrictions on mortgage and sale of lands was ultimately abandoned. Curiously enough, our Local Government entertained the fear that the land was slipping away from the hands of the cultivating classes to the hands of the money-lending classes and that to restrict the right of sale and mortgage was the only remedy. This was a quite mistaken notion. The real remedy of preventing cultivators to go to the money-lender or the real remedy of preventing the slipping away of land from the hands of cultivators is the

boon of permanent settlement with moderate assessment as laid down by the ancient Hindu law of Manu at 1/12th of the produce and that to take away from the market value of the land was not the best way to help the cultivators. In spite of all the rigid legislation, our Government are not aware that the ordinary and occupancy lands are still passing away from the hands of indigent cultivators to the hands of money-lenders and others by resorting to fictitious rajinamas and releases in collusion with their malguzars. I can quote a number of instances. It is therefore, advisable to delete the provisions of sections 46 and 70 from the Tenancy Act of 1898.

(28) I, therefore, repeat my conviction that for a genuine improvement in the material condition of the Indian peasantry the less of legislation there is the better. And what, it may be asked, has been the effect of our land laws during the past year? Where not each and all of them enacted with the single object of bettering the condition of the peasantry? Has that object been obtained? The very fact that they are still tinkering and tinkering under one form or another is evidence conclusive of the non-fulfilment of the object. In short, the statute book is groaning under the accumulated weight of the agrarian legislation of the last thirty years, without the slightest benefit to those on whose behalf it has been undertaken. Their net effect has been to aggravate the original economic evils which it was intended to cure. The legislative remedies have proved worse than the disease. While the peasant wants bread, the State makes him a present of its legislative abracadabras. You cannot be unaware of the return of the official reports which reach us from time to time of the return of material prosperity to the fellaheen of Egypt. What may have been the chief cause which has led them to that prosperity? Has there been any land legislation of the character the various Indian administrations have passed within recent years? No, legislation is the last thing which Lord Cromer has thought of while improving the condition of the Egyptian cultivators. Why? It should

be remembered that his lordship was not unaware of the laws of this country. As a matter of fact he was no unimportant a member of the Imperial Council, which introduced the Bengal Tenancy Act of 1883. Again it was he who had, with the help of Sir David Barber, made a semi-official enquiry into the condition of agriculture in the various provinces, the gross income of the ryot per acre, and collected all other kindred statistics. And yet Lord Cromer, in spite of his Indian experience, has eschewed all land legislation. Why? The answer is not far to seek. Because he was quite convinced that paper statutes never advance the welfare of the Indian ryot. The means he employed were more practical. Firstly, he thoroughly understood that throughout the world the agriculturist suffers for want of the necessary credit and capital, with the assistance of these, the agriculturist could always be kept free from debt, and be enabled to labour assiduously to improve the out-turn of his produce, with benefit to himself and the State.

(29) The real cause of the poverty of our agricultural population is simple and even obvious if we try to seek for it and grasp it. It is not over-population, for population does not increase faster than in European countries, does not increase faster than the area of cultivation. It is not the natural improvidence of the cultivator, for those who know the Indian cultivator will tell you that with all his ignorance and superstition, he is as provident and frugal, as shrewd in matters of his own interest as the cultivator in any part of the globe. The real cause of his wretchedness and indebtedness is that the land assessment is so heavy that the cultivator is not able to save in good years enough to meet the failure of harvests in bad years. All our village industries, like spinning and weaving, have been killed by a free competition with the steam and machinery of England. Our cultivators and even our village industrial classes therefore virtually depend on the loil as the one remaining source of their subsistence. The land assessments should, therefore, be made in a liberal and even a generous spirit. There is every desire in the high

officials to make the assessments in a liberal spirit, but as the people have no voice in controlling these assessments they are found in the actual working to be often illiberal and harsh. They do not leave the cultivators enough to be able to save, and cultivators therefore fall victim to famine whenever the harvests fall. The old Hindu Law based on the actual experience of thousands of years, sanctioned  $1/6$ th,  $1/8$ th and  $1/12$ th of the gross produce of the land as its proper rent. The experience of modern times confirms the wisdom of the ancient rule.

(30) If, then, you ask me what remedies may be recommended to Government for extracting the ryot from his present condition of indebtedness, and gradually leading him on the path of prosperity, I should reply that the fundamental reform, where all other reforms must naturally flow, is a modification in the present policy of land revenue assessment in vogue in the different provinces. Thanks to Mr. R. C. Dutt and his untiring perseverance and patience, the controversy went on for over two years as to the oppressive character of the assessment. Here, too, there are two schools of thought—the official, which contends that the assessments are light, and the non-official, which avers to the contrary. Where there is such a diametrical difference of opinion it is always best to find out the truth by exploding the fallacies lurking in the facts and arguments of either side. There ought to be a judicial pronouncement of the moot question, on the basis of reliable evidence which may be collected by means of an impartial tribunal specially appointed for the purpose. Unless such a judicial and exhaustive inquiry is undertaken and a final verdict pronounced, it is to be feared this controversy is likely to remain interminable. But it is wisdom that the sooner it is closed in the manner suggested the better. The future land revenue policy should, then, be based on the ascertained opinion of that tribunal. But it will never do to flourish before us a mass of one-sided facts and arguments of Commissioners and Collectors as are to be found recorded in those precious serials of survey settle-

ment officers published from time to time. They are purely ex-parte and not subject to the cross-examinations necessary to arrive at the truth.

(31) Is it the case that India is getting poorer day by day? The question is so momentous that Lord George Hamilton was forced to admit that India was poor and very poor. Not only that, his lordship, in an important debate that took place in April 1900 in the House of Commons, admitted that in the Central Provinces the assessment might have been too severe. In India, too, during the discussion of the annual Budget of 28th March 1900 in the Viceroy's Council, all the Indian members of the Council pleaded in favour of moderate assessments and long leases and Lord Curzon promised to bestow his careful consideration to the subject but with no effect. By the inauguration of a beneficent departure which has been insisted on by some of the greatest of Anglo-Indian administrators, such as Messrs. Bentick, Elphinstone, Bird, Sir A. Colvin and Sir Richard Temple, and the soundness of which, at least in theory, has never been disputed. The pessimist school, I use the term in no offensive sense, call for the reversal of that policy which has impoverished the country and has been attempted with disastrous economic results. India is under British Rule, and they insist upon a policy which in its spirit and in its temper, in its sacred regard for justice and fair play, in its deep anxiety for the extension of British freedom along with the British flag, should be truly reflective of the beneficence of British greatness. It is no exaggeration to say that behind the economic controversy lies veiled the entire problem of Indian administration. Is the country to be governed for the benefit of the people, for the development of their industries, the accumulation and the husbanding of their resources, or is it to be administered in accordance with those principles which have brought about the terrible impoverishment of the people?

(32) The Famine Union in England which include public men of all parties and which have an economic

rather than a political object in view, have been pressing for an inquiry into some typical villages. It is in no hostile spirit that they approach this question. Their object is not to find fault, but to get at the truth. The union desire an answer to the question whether it is true that the cultivator has been sinking deeper and deeper into poverty. But the Government would not give an answer. The Government will not hold an inquiry. Why does the Government decline to institute an inquiry for the settlement of what may justly be regarded as the problem of problems ?

But we are told that famines are due to drought ; to the operation of natural causes, and Governments and human institutions are powerless to avert them. We ask is drought confined to India alone ? Nature is impartial in her dispensations in the distribution of her favours and dis-favours. Other countries suffer from drought ; but they do not suffer from famine. We must, therefore, look deeper for the causes of Indian famine. Drought alone will not account for it. Destitution is the root-cause of Indian famine. If the people were comparatively prosperous, if they did not suffer from chronic poverty, they would, in the event of a local failure of crops, make their purchases in the markets of the neighbouring provinces, or they would have a reserve stock upon which they might fall back. But they are absolutely resourceless, sunk in the deepest depths of poverty. living from hand to mouth, often starving upon one meal a day, and they die in their thousands and hundreds of thousands upon the first stress of scarcity, and as the situation deepens they die in their millions and tens of millions, despite the efforts of a benevolent Government to save them.

(33) I suggest that the time has come when it is desirable to take some effective measures to improve the condition of the agricultural population of India. Their poverty, their distress, their indebtedness, all this is not their fault. Sometimes it is asserted that the poverty of the people and the famines which we witness in India, and



in no other well-governed country on earth, are due to the over increase in population. This is not so. If you go into figures you will find that the population does not increase in India as fast as it does in many European countries like Germany and England. And if you read the paper written by Mr. Baines, the Census Commissioner of India, in the first volume of the British Empire series issued in London in 1899 you will find the Census Commissioner has distinctly stated that the growth of population in India is not so fast as that in Germany or in England. The census returns of 1901 disclose the fact that practically there has been no increase of population and that the increase in certain areas has been counterbalanced by decrease in other parts of the country. Sometimes, again it is asserted that the poverty of the Indian agriculturist is due to his own improvidence, wastefulness, spend-thrift habits and folly. This is not so. Those who have passed the best portion of their life among the Indian cultivators will tell you that the Indian cultivator is about the most frugal, the most abstemious, the most provident, the most thoughtful about his future, among all races of cultivators on earth. Their sobriety, their strong family affections, their deep concern for their children are the best preservations of those thrifty habits which are all the more assured when they have their roots in impulse rather than in interest and when the combined operation of both impart to them an added strength. If they occasionally indulge in an extravagant *shradh* or an expensive marriage, they live from day-to-day, from month to month and through the recurring years with a rigid parsimony which is but the reflex of their ascetic instincts. Have they not thus lived in the ages past and gone? Empires have come and gone; dynasties have been overthrown; the face of external nature itself has been changed, but the deep-seated habits of our people have remained the same unchanged and unchangeable amid the vicissitudes of time and fortune. But they were not thus famine-stricken in those days, despite their expensive marriages and *shradhas*. Why are they famine-stricken now? This theory of the alleged

extravagance of the Indian peasantry will not do. It will not stand the test of scrutiny. Upon a close examination, it disappears like the baseless fabric of a vision. If the Indian cultivator goes to the money-lender, it is not because he is in love with the money-lender, but because he has nothing to eat. If he pays 24 or 34 percent as interest on loans it is because he cannot get loans on lower interest on such security as he can offer. In this connection, Dr. Pollen said:—

“No steps that I am aware of have yet been taken that the revenue demand should be so timed and adjusted as not to drive the ryot to the sowkar, even temporarily in order to meet it”.

The Hon'ble Sir Bipin Krishna Bose made the following statement in the Imperial Council on the 28th March 1900:—

“Proceedings with a view to a second new settlement are also in progress in Bilaspur and Raipur. These districts, especially the former, were very hard hit during the last famine. They are no less so this time. They were both newly assessed about ten years ago. The enhancement in Bilaspur was 102 percent in some cases and 105 percent in others including two cesses introduced in the interval between the two settlements, the enhancement under the head of cesses was, if I mistake not, nine percent in addition to the consequential enhancement on account of enhancement of Land Revenue. There was besides a full valuation of “Sir” land as compared with the half assessment of the old settlement.”

It is important to note that this remarkable statement remained unchallenged. On the other hand it was confirmed by a letter published in the Pioneer of Allahabad dated 16th November 1900 by a C. P. Malguzar, presumably a malguzar residing in Bilaspur District. All these facts go to show that the over-assessments of land are the chief causes why the cultivators suffer from famine. The guiding principle of the settlement of sixties had been to secure improvement in the condition of the people, and foster the accumulation of wealth in their hands. The authors of that old settlement had discouraged “the notion that whatever is gained by the owners

of land in the shape of rent is so much loss to the State." "The best wealth of a Government", it had been said in a Resolution, "is to be found in the growing wealth of its people, and the feeling, which leads it to grudge all that does not fall into the hands of the Tax-Collector, is a very short-sided feeling, and must lead, if followed, to a very short-sighted policy." The new settlements subsequent to those of sixties followed this short-sighted policy.

(34) I would further invite your honour's attention to the liberal policy laid down in Regulation VII of 1822 :—

"A moderate assessment being equally conducive to the true interests of Government and to the well-being of its subjects, it is the wish and intention of Government that in revising the existing settlement the efforts of the Revenue officers should be chiefly directed, not to any general and extensive enhancement of Jama, but to the objects of equalising the public burthens and of ascertaining, settling and recording the rights, interests, privileges and properties of all persons and classes owning, occupying, managing or cultivating the land."

In accordance with these healthy and benevolent principles I earnestly and eagerly pray the Government to moderate its land assessment so lightly that the cultivators may be able to accumulate wealth in good seasons so that they may protect themselves and their families during bad seasons when harvests fail. This will be the only remedy which will prevent them from going into the clutches of the money-lender and from feeling the pinch of famine and severe assessment. The co-operative banks, the thakavis and the agricultural loans shall not at all help him when the assessments are severe, crushing and burdensome and beyond his paying power. I am fortified in this opinion by the weighty expression of Mr. O'Connor, the Director General of Statistics for India. Speaking with an experience of forty years spent on a study of the economic condition of the people, Mr. O'Connor pointed out that the condition of all the classes of persons who depend directly upon land calls for much improvement, and pleaded earnestly for a change in the present agrarian policy of the Government.

"It is no complete defence of that policy," he observed, "to compare the assessments on the land to-day with the assessments in the days of our predecessors. It does not follow that we are very moderate in our demands on the land because we do not take so much as was squeezed from the cultivators by rulers and Governors who were highly esteemed if they did a man the favour of allowing him to live. We ought to arrange to let him live and thrive, not taking from him the competitive rent of a private landlord." He further said, "It is doubtful whether the efforts now being made to take the cultivator out of the hand of the money-lender will have much effect or even if they have the fullest effect that they will materially improve the cultivator's position, until a large share of the produce of the soil is left in his hands, and he is protected against enhanced assessments by Government officials and against enhanced rents by private landlords. This, as I have said, is much the most important of Indian Industries, more important than all the best put together and it should receive from the State more discerning attention than, I am afraid, has as yet been given to it. We must appropriate to the full all that the State is doing, or proposing to do, in the provision of irrigation, in the provision of advances for improvement, in lessons of reformed methods of cultivation, in the introduction of new plants and improved implements; but important as these are specially the development of Irrigation, I have little doubt that the reduction of land revenue by 25 or 30 percent, if the reduction is secured to the profit of the cultivator, would be of far more value in the improvement of the class who constitute the bulk of the population and who contribute most largely to the finances of the State."

(35) Sir William Hunter, a great statistician, remarked in the Imperial Council in 1883:—

"The Government assessment does not leave enough food to the cultivator to support himself and his family throughout the year."

Mr. Bright, in the House of Commons, on 14th June 1858, said:—

"The cultivators of the soil, the great body of the population of India, are in a condition of great impoverishment, of great dejection, and of great suffering."

Lord Lawrence in 1864, said:—

"This mass of the people enjoy only a scanty subsistence."

Lord Lawrence, before the Select Committee of the House of Commons, in 1873, said:—

“The mass of the people of India are so miserably poor that they have barely the means of subsistence.”

Major Baring (afterwards Lord Cromer), Finance Minister of India, in his Budget speech of 1882, after stating that the average income per head per annum of population in India is Rs. 27/—, said:—

“It is sufficiently accurate to justify the conclusion that the tax-paying community is exceedingly poor.”

Mr. Gladstone, in the House of Commons, 10th May 1870, said that India was too much burdened. What do all these weighty expressions of distinguished British Statesmen go to show? They clearly demonstrate that India is very poor and can not bear the severe and crushing taxes and land assessments.

(36) Moreover, Lord Curzon's pronouncement in his celebrated Land Revenue policy of 16th January 1902 is:—

“In areas where the State received its land revenue from landlords, progressive moderation is the key-note of the policy of Government.”

It further laid down:—

“In time as population increases, and more labour and expenditure are devoted to cultivation, the share taken by Government may be expected still further to diminish.”

Despite these open declarations, the Settlement officer assessed the land so abnormally and heavily at the current settlement that it is far beyond the paying power of the cultivators and far beyond the proportion of produce we derive from the land. In the current settlement there is absolutely no reason why the assessment should not be light and very light according to the ancient law of Manu and why the assessment should not be based on the actual crop estimate instead of adopting a cumbrous procedure when the population increased, and more labour and expenditure are devoted to cultivation as prescribed by Lord Curzon.

( 37 ) The Central Provinces suffered disastrously in the famines of 1897 and 1899. The Central Provinces suffered more from those famines than any other part of India because the land-revenue settlements were more severe and more harsh, not in their intention, but in their actual operations, than any other part of India. All these are the disastrous results of the revenue settlements initiated by Sir Alexander Mackenzie and completed by his successors. The question of assessment, therefore, is with them a question of life and death. The slightest excess beyond what the cultivators can pay with ease is sure to have disastrous after-consequences. For it is not possible that a people, raising only coarse agricultural produce, possessed of no large capital, no resources for improved methods of cultivation, in fact the majority of whom are in debt, should be able to meet with ease a revenue enhanced even to a fraction of a degree beyond what their existing condition warrants, and should, under its continual strain, recover even with a succession of good years from the depressing effects of series of bad seasons. Liberal remissions have also been given. But something more than such make-shifts as temporary remissions or reductions is, I submit, needed in the best interests of the country. In making this appeal, I only echoed what had been suggested in some of the revenue reports for 1897-98. The Commissioner of Jubbulpore writes :—

“ But the revenue management of certain tracts will require careful handling. In the Khura Tahsil and in the open country of the Damoh District, liberal general remissions will be required this year, and a resettlement will be necessary as soon as there are signs of an upward turn. The abatement granted last year have proved inadequate.”

( 38 ) Regarding Hoshangabad, a district once thought to be one of the richest in the province, the Deputy Commissioner writes that the tenants owe heavy arrears and large sums on account of thakavi in addition to their ordinary debts, that a considerable area of land has become over-grown with “ Kans,” grass which it is difficult and

expensive to extirpate and that the Malguzars have not been able to realise fifty percent of the current rental demand. His conclusions are tersely summarised in the words :

“ the district is bankrupt and requires at least two good crops to become solvent”.

The Deputy Commissioner of Balaghat remarks that a large percentage of tenants and Malguzaras are heavily in debt and that it is greatly to be regretted that a few years could not have been given to the district, before the imposition of the new settlement, to give time to the people to recover themselves and to prevent the transfer of malguzari rights to the money-lending classes. The Deputy Commissioner of Bilaspur points out that it would require at least two or three good harvests ( perhaps more ) before normal conditions would be restored. The C. P. Famine Report concludes with these weighty words, “ but the ground lost during the last four years will not all be recovered in a season or two. It is a popular saying among cultivators that three good years are necessary to make up for one bad one. The saying may be tinged by the over-despondent tone which the farmer in all parts of the world uses in speaking of the prospects of his agriculture. But it is not unlikely that these years may pass before the province throws off the last signs of the greatest famine of the country.” All this was said in 1898. Since then the country has been smitten with the full force of an even greater famine in 1899, and unless a liberal revenue policy, the benefits of which will permeate all classes, be adopted in the current settlement, it is difficult to see how the people will be able to recover themselves from the heavy load of debts. All these facts clearly testify that the cultivators of these provinces, are poor, very poor, and they are burdened with heavy loads of debts. If in addition to this, the Settlement officer enhanced the Government demand abnormally and to the severe pinch, I am afraid, till the next settlement, the cultivators and proprietors must become bankrupt. This is not a healthy sign.

(39) There is a healthy rule, generally followed in the U. P., that settlements are made for thirty years, because it is undesirable to harass the people with frequent enhancements and frequent settlement operations. The Rulers of the Central Provinces have departed from this rule and made the settlement of nineties and 1914 for 20 years, save in a few backward tracts where I suppose still shorter settlement have been made. There is another healthy rule followed in the U. P., that the land revenue is fixed at one-half the rental received by landlords. Will you believe it that in the eastern and southern districts of the Central Provinces the Government revenue was fixed between 55 and 75 percent of the rent in the settlement of sixties, and between 60 and 71 percent in the settlement of nineties and it was the same percentage during the current settlement including cesses? I ask every impartial and every fair-minded administrator, why settlements have been made in the Central Provinces for 20 years or less when the same province enjoyed 30 years settlement in the sixties and when settlements are made in the U. P. for 30 years? I ask every responsible ruler why the Government should demand between 60 and 70 percent from the Malguzar of the Central Provinces when the Government receives only about 40 percent in the U. P. according to the evidence of Sir Antony MacDonnell before the Currency Committee? These differences in figures may not mean much to the theoretical statement, but they mean life and death to the Indian cultivator. Every tampering with the settled rules in land settlements, every lowering of the period of settlement, every increase in the proportion of the Government demand, means the further impoverishment of the cultivators, means increased wretchedness and indebtedness in ordinary times, increased deaths in famines. Why, this very experiment was tried in U. P.; the Government demand at first was not half but two third of the assets of the landlords; and that rule created a degree of suffering to the people greater than all the wars of the first half of the 16th century. That rule was ultimately abandoned in 1855,



and the Government demand was fixed at one half the rental of the landlords by Lord Dalhousie; and is it fair that Government should go back in these provinces to the old rule which our experience has taught us to be harsh and cruel to the cultivators? If the people had any control over the executive action in these provinces, the tampering with the old established settlement rules would not have been allowed. If the people had been represented in the Viceroy's Executive Council from the year 1886 to express these matters no Viceroy of India would have permitted such departure from the usual settlement rules, a departure which has been disastrous in its consequences on the condition of the people and increased the deaths from famines in the Central Provinces.

(40) I have detained you longer on this subject than I had intended, but the importance of the subject is my excuse. I state my deliberate opinion, based on a careful study of the question, that the land-revenue arrangements in India are responsible, not for bringing on famines, but for deepening the effects of these famines; and secondly, that if the position of the cultivator was assured—as it is assured by Hindu Laws, and as it is assured in Bengal—loss of lives could be prevented on the occurrence of famines, as it has been prevented in Bengal. British administration has done much for us; it has given us internal peace, it has given us education, it has brought us nearer to western civilization. But British administration has not performed all its duty so long as the country is desolated by famines, unheard of in any other civilized and well-governed country. My conviction is, and I lay it loyally before the Government, that these frequent and acute famines are mainly owing to the cause that our village industries are gone and our village lands are over-assessed. My conviction is, and I lay it loyally before the Government, that this enormous loss of lives is preventable and could be avoided through more considerate land settlements, assuring to the cultivator in every province adequate proportion of the food that he produces.

(41) A joint memorial was submitted on the 20th December 1900 to the Secretary of State for India by some distinguished gentlemen who had long served Government in high and responsible offices. Among the signatories were the Right Hon'ble Sir Richard Garth, Sir Joan Gordine, Mr. R. K. Puckle, C. S. I., Mr. J. H. Garstin, Mr. J. B. Pannington, Mr. H. J. Reynolds, Mr. R. C. Dutt, Mr. C. J. O'Donnell, Mr. A. Rodgers, Sir William Wedderburn, and Mr. J. P. Goodridge. They recommended (a) that a limit should be fixed in each province beyond which it may not be possible to surcharge the land tax with local cesses; (b) the land-revenue is paid by landlords, the principle adopted in the Saharanpur Rules of 1855, whereby the Revenue demand is limited to one-half of the actual rent or assets of such landlords, should be universally applied; (c) that no revision of the land-tax of any province or part thereof should be made within 30 years of the expiration of any former revision; Mr. R. C. Dutt made similar recommendations in his open letters to Lord Curzon; but neither the Government of India nor the Local Government gave any effect to those recommendations.

(42) Uncertainty is a greater evil than over-assessment. Human wit and ingenuity could devise no scheme better calculated to keep the peasantry of a country in a state of permanent penury and indebtedness than to subject them to enhancement on each recurring settlement on grounds which are not defined, which cannot be contested, which are not comprehended by the peasantry. Able and far-sighted Englishmen have protested against this uncertainty in land assessments over half a century ago. Lord Canning, Lord Lawrence, Sir Charles Wood and Sir Stafford Northcote desired to permanently settle the land-revenue in order to give some assurance and motive for improvement to the people at some cost to the State. And Sir Louis Mallet, in 1875, commented severely on a "system,

"which sweeps into the coffers of the State fifty percent or more of the net produce of the soil, thus diverting a fund which, in

countries where private property is absolute, to a great extent, finds its way back again into channels of agricultural improvement.

But the amount of produce thus directed is not only large—it is also uncertain. The percentage itself is uncertain, varying with the views of successive Governments, and the amount actually assessed; even within the prescribed limits, is uncertain, varying with the accidents of seasons, with the character of the cultivators, and with the judgment and knowledge of the settlement service.

Whether the Government or the assessor leans to the side of indulgence or to that of severity, all the consequences of uncertainty are equally involved. What those consequences are likely to be it is needless to enumerate. It is enough to say that security and permanence are the essential conditions of productive energy.

The close connection between the system of land tenure prevailing in a country and the condition of its population, will, I imagine be generally admitted. In India, where agriculture is the principal and indeed the only, industry on a scale large enough to make it a national characteristic, it seems to me that the condition on which the land is held must be an object of primary and permanent importance.

One is tempted to ask if rent—economic rent, pure and simple—is alone to be tested, why instead of the costly, cumbersome, capricious, and when all is said, most ineffectual settlement system, we can not leave the assessments to take care of themselves, and take whatever percentage on the rental of the land we want, wherever we find it. I can only suppose that the answer would be, that in truth the fifty percent of the net produce has been a mere paper instruction, a fiction which has had very little to do with the actual facts of the administration, and that in practice the rates levied have often absorbed the whole rental, and not frequently. I suspect, encroached on profits also.

I am also informed that, in many cases, lands have been assessed which barely pay the cost of cultivation, and yield no rent at all. This is not a question of words to the cultivator”.

In 1883, Lord Ripon endeavoured to remove this uncertainty, and to define the conditions of enhancement, I have stated before; but his proposal was virtually rejected after he left India in 1885.

(43) The Hon'ble Sir Bipin Krishna Bose, in his Budget speech in the meeting of the Viceroy's Legislative Council held on the 28th March 1900, said :—

“ A new settlement, however carefully conducted, must unsettle men's minds, make them suspicious of the intentions of Government and subject them to the harassments inseparable from the visits of official underlings”.

In paragraphs 2 and 5 of the Land Revenue Resolution of 1902, the Government of India have fully recognized the cardinal principle which I have urged so often that in an agricultural country like India, the prosperity and well-being of the nation greatly depend on the incidence of the land-revenue being moderate and equitable; and that the land assessments should be so made as to leave to the proprietor or the cultivator of the soil a margin of profit which will enable him to save in ordinary years to meet the strain of exceptional bad harvests; but it remained in the hands of the Local Government to give effect to those weighty declarations. What I urge is that the rule, accepted in theory, should be strictly and universally carried out in practice that the cultivator should be saved, in every simple case, from an assessment exceeding 1/10th of the produce of his field and that such protection is needed by each individual cultivator. It was presumed that the famine commissions of 1880 and 1901 would induce our Government to place some clear, workable, intelligible maximum limit on the State demand from the present proprietors of India. Not only it is necessary that Revenue and Settlement officers should be moderate in their demands, but it is also necessary in India, more than in any other country in the world, that the cultivators should know and understand clearly what the State demands, and what they are entitled to keep. Uncertainty in the State demand paralyzes agriculture. And this fatal uncertainty will hang on the agricultural industry of India until the British rulers, in close touch with the people and with a firmer determination to protect them at all costs, will declare

to them in language which they can understand, how much the Government claims from the produce of their fields, and how much is left to them, untouched by the Settlement and the Revenue officer.

(44) The name of Lord William Bentick is honoured in India for doing away with short settlements and introducing settlements for 30 years. The great settlement of Northern India, effected between 1833 and 1849 was for 30 years. The first great settlement of Bombay, effected in 1837, was for 30 years. Settlements made in Madras have been for 30 years during over half a century. The Orissa settlement of 1837 was for 30 years, and when the period expired in 1867, Lord Lawrence, then Viceroy of India, continued the old settlement for another 30 years instead of harassing the people with a fresh settlement in the year of the Orissa famine. The first C. P. settlement of 1867 was for 30 years. The advantages of long term settlements are obvious. In spite of all precautions, every re-settlement is a harassment of the people; short settlements take away all motives for improvement; long settlements give some assurance and encouragement to the people, and promote enterprise in the landed classes. These facts were forgotten or ignored in the last years of the 19th century; and in 1895, Lord George Hamilton ruled that while 30 years should continue to be the ordinary term of settlement in Madras, Bombay, and the N. W. P., 20 years should be the general rule for the Punjab and the Central Provinces. The modification was ungenerous and unjustified by the reasons which have been urged. Against this ungenerous departure from a healthy rule Mr. R. C. Dutt raised his voice in his open letter to Lord Curzon on the Central Provinces; and it is against this departure that the rule proposed by the Memorialists is meant to be a protest. A moment's examination will show that this defence of Lord George Hamilton's action of 1895, is unsound. The Punjab and the Central Provinces were not less fully cultivated and not less developed, in 1895, after half a century of British Rule, than the Bombay province was in 1837, after 20 years of

British rule, or the N. W. Provinces were in 1833, after 20 years of British rule. It is possible that the Government of India or Local Government sees this. Lord Curzon has approached the subject with a statesmanlike conviction of its importance. He had virtually affirmed the principle, which Mr. R. C. Dutt and the memorialists urged, that in temporarily settled estates held by landlords, the Government revenue should generally be limited to one half of the actual rental. He has given us hopes in para 18 of his resolution that the rule of 30 years settlement will be extended to the Punjab and the Central Provinces. And he has also given us hopes that the pressure of local cesses will be mitigated.

I have felt and feel that the happiness and well-being of an agricultural nation largely depend on some clear, definite, intelligible, and workable limits being placed on the land-tax. And the land question in India will not be solved, and India will know no rest till the assessment is based on Manu's principles.

(45) And it is quite clear that if such abnormal enhancements are permissible on the opinion of the Settlement Officer, the condition of cultivators can never be otherwise than one of perpetual poverty and wretchedness. Greater elasticity in revenue collections is also necessary in hard times, but the revenue assessments should be light to enable cultivators to save in good years. To screw up the land-tax to the full amount and then to allow remission when harvests fail, is to keep cultivators always on the brink of famines and starvation. Lastly, the reduction of assessments in case of local deteriorations is of course necessary or the country will be depopulated. Wiser statesmanship should go further, and should permanently improve the condition of the cultivators, should give them clear, definite, and intelligible rights, and should provide them with a complete protection against enhancement except on clearly defined legal grounds.

This is what Lord Canning's Act of 1859 and subsequent rent acts have done for the Bengal cultivator. This is what Lord Curzon's resolution failed to do. Nevertheless I am sustained in my endeavour by the thought that I am working for the right cause in pleading for moderation in land assessments according to Manu's principles and asking for clear, definite, intelligible limits to the State demand,

which will enable every humble cultivator to know beforehand what the claims of the Government will be at the next resettlement, and what he is entitled to keep out of the produce of his field for his wife and children.

(46) But let us look forward to a more remote future. Fifty years hence, the famines of the nineteenth century, the loss of Indian industries, the blunders in land assessments and the impoverishments of an agricultural nation, will not be a recreating subject of contemplation to our sons and grandsons, when we are dead and gone. Future administrators and legislators will bless every action now taken and every word now spoken to moderate taxation, to protect the peasantry from indefinite claims, and to promote the industries of the people. And the British Empire may leave some memories of earlier blunders rectified; of oppressive taxation moderated and lightened; industries revived; of agriculture freed from excessive and uncertain demands; and of a frugal and industrious nation made prosperous and happy after a century of distress and famines.

(47) I have put forth before your honour the actual and true condition and grievances of the peasantry of these provinces in an earnest, honest, out-spoken, plain and straight-forward language with the best and bonafide intention. I have argued every point on this subject to your honour's entire satisfaction. I left no point untouched. I kept no stone unturned. Now it is left to your honour's mercy, sympathy, kind-heartedness, generosity magnanimity, benevolence and philanthropy to decide the case on just and equitable terms so that the security and prosperity of the cultivators of these provinces may be placed on a sound and healthy footing.

(48) I here summarise the reasonable and justifiable demands of the people of the Central Provinces with a request that they may be effected by statutory provisions in the proposed Land Revenue or Tenancy acts whichever may be suitable :—

( a ) That the malguzar shall have unrestrained freedom to sublet his sir and khudkast lands for any number of years, or to alienate it by sale, mortgage, gift, bequest or otherwise as he might think fit.

( b ) that the land-holders of all classes and denominations shall have the full liberty and power to sublet their landed holdings for any number of years or to alienate them by sale, mortgage, gift, bequest or otherwise as they might think fit, subject to the consent of the Malguzar on payment of the following scale of Malikana;—

Absolute occupancy tenant on payment of one year's rent ;

Occupancy tenant on payment of two years' rent :

Ordinary tenant on payment of three years' rent ;

( c ) that no restraint of any kind whatsoever shall be placed upon a malik-makbuza ;

( d ) that the malguzar shall have the unrestrained liberty and power to buy, sell, mortgage, sublet, make a gift or bequest or otherwise of his malik-makbuza holding as he might think fit ;

( e ) that the malik-makbuza right shall not cease to exist even if a member of the proprietary body purchases it on payment ;

( f ) that the land-tax shall be assessed according to the ancient picture of the Hindu society presented by the Code of Manu varying from 1/12th of the produce in times of prosperity and peace, to 1/4th in times of distress and great public adversity. Taking 1/6th of the produce as king's share in olden times it was stigmatised as rapacious ; a permanent statutory provision shall be made either in the Land Revenue or Tenancy Acts to this effect ;

( g ) that no fallow or waste lands shall be assessed ;

( h ) that the Siwai income should be totally excluded from the village assets, inasmuch as ( 1 ) it does not add much to the assets, ( 2 ) it can not be properly calculated



and has been much exaggerated, and ( 3 ) the impoverished condition of the malguzars and the agricultural classes requires its exclusion ;

( i ) that sir and khud-kast lands shall be permanently free from assessment ;

( j ) that no cesses or special taxes in addition to the land except for purposes directly benefiting the land ;

( k ) that taking a fair and statesmanlike survey of the whole situation in the Central Provinces, of the past fiscal history, of the present embarrassments, of the future prospects, the province very badly needs the boon of a Permanent Settlement not raising the land-tax to the highest pitch but assessing it at 1/12th of the produce in times of prosperity to 1/4th in times of distress as laid down by the ancient law of Manu and the despatch of the Court of Directors of the East India Company dated the 17th December 1856 and also based upon the principles enunciated by Lord Cornwallis, Sir Thomas Munro, Lord William Bentick, Lord Wellesley, Mr. Colebrook, Lord Minto, Lord Hastings, Mr. Robert Marttins Bird, Col. Baird Smith, Lord Canning, Lord Lawrence, Lord Ripon, Sir William Muir, Sir Richard Temple, Sir Charles Wood Sir Stafford Northcote and Sir Auckland Colvin ;

( l ) that the land-revenue or the permanent settled tracts be limited by statutory provision as recommended in paragraph 252 of the report of the Royal Commission upon Decentralization ;

( m ) that where the State receives land revenue through malguzars or landlords, the rule limiting the State demand to 40 percent or the rental or assets be universally applied according to evidence of Sir ( now Lord ) Antony Mac Donnell ( replies to questions 5727 to 5740 ) before the Currency Committee that sat in England during the years 1894 to 1900 ;

( n ) that the rule of arrest and imprisonment for the recovery of land revenue be abolished ;

(o) that improvements shall be permanently exempted from assessments to revenue in all future settlement as recommended by Famine Commission of 1880 and 1901 in paragraphs 315 and 316 of its report and Irrigation Commission of 1913 in paras 179 and 180 of its report and as laid down in section 11 of the Land Improvement Loans Act 19 of 1883 ;

(p) that every holder of land paying revenue in respect thereof shall be entitled to a decrease of assessment either in whole or part if the whole area of his holding or any portion thereof is lost or diminished by diluvian or fluvial action or otherwise, or the soil is permanently or temporarily deteriorated or impoverished by constant cropping. This prayer is in accordance with paras 37 and 38 (13) of the Government of India Resolution dated 16th January 1902 and Emperor Alumgeer's Firman Nos. 4, 10 and 18 to Mahamed Hussain in the year 1868-69 ;

(q) that the Government shall receive the tax in kind and not in cash, according to the ancient custom, usage and law of the country at the threshing floor ;

(r) that the Government shall demand no land-tax from the malguzars or cultivators whenever a famine appears or the crops fail by drought or are damaged by flood, blights, excessive rains, frost, fog, hail or insects as the case may be ;

(s) that in the case of any difference between cultivators and Settlement officer in the matter of assessment, an appeal be allowed to an independent tribunal not concerned with the fixing, levying and sanctioning of the land-tax ;

(t) that the Patwari work should be made amenable to the inspection of the malguzars, who should gradually be thus trained to attend personally to Village statistics, and to check the correctness of returns and reports which affect them and their villages vitally ;

(u) that the current settlements cannot stand without steadily and increasingly impoverishing all the sections of the agricultural community ;

(v) that rents fixed by the Settlement Department are mostly rack-rents of an aggravated type ;

(w) that the Land Revenue assessed is a rack-revenue taking the province as a whole.

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# Memorandum on the Central Provinces and Berar University Committee's Report.

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The noblest gift, which British Rule has conferred on India is the boon of higher education. It lies at the root of all our progress. The three great boons which we have received from the British Government are Higher Education, the gift of a Free Press and Local Self-Government, supplemented by the reform and expansion of the Councils. But higher education is the most-prized, the most dearly-cherished of them all. If we cannot extend and broaden it, it ought at any rate to be our most sacred concern to safeguard it against encroachment and limitation, and so transmit it, with its beneficent area undiminished, to those coming after us. Justice Sir Gurudas Bannerji of Calcutta, one of the brightest products of the Calcutta University, says :—

“ We should aim not only at raising the height but also at broadening the base, of our educational fabric. Our educational system ( should be ) so adjusted that while the gifted few shall receive the highest training, the bulk of the less gifted but earnest seekers after knowledge may have every facility afforded to them for deriving the benefits of higher education.”

Writing on the lines on which the London University should be organized, Mr. Sidney Webb, thus comments on the importance of the dissemination of education among the general community :—

“ Being, as regards its undergraduate class, essentially a university for the sons and daughters of households of limited means and strenuous lives, it will not like Oxford and Cambridge, set itself to skim from the surface of society the topmost rich layer of rich men's sons and

scholarship winners. Wisely organised and adequately endowed, it must dive deep down through every stratum of its seven millions of constituents, selecting by the tests of personal ambition and endurance, of talent and "*grit*" for all the brain-working professions and for scientific research, every capable recruit that London rears. Hence it must stand ready to enrol in its under-graduate ranks not hundreds a year but thousands. If we remember that Paris and Berlin, drawing from much smaller local populations and exposed each to the competitions of a score of other Universities in their own countries, have each actually twelve thousand university students, we can see that any equally efficient London University might easily number twenty-thousand."

It is in the spirit of these remarks that the following remarks on the University Committee's Report are offered, and the signatories to this memorial hope that they will receive due consideration at the hands of Government.

2. In approaching the consideration of the report of the Committee, it will at once be conceded that the University system in India, like many others, is not perfect; and a cautious and well devised scheme of reform, calculated to promote the advancement of learning without interfering with the spread of higher education, would be welcomed by the educated community; for, they realise the truth that their future progress largely depends upon a sound system of education which would qualify them for the hard and increasingly difficult competition of modern life. But the feeling is universal in this Province that our University Committee has not been successful in evolving such a scheme. The so-called compromise, claimed to have been effected between a purely residential type of University and the purely affiliating and examining type does not go far enough, and we feel convinced that most of the evils apprehended from a purely residential type of University being planted in our midst, would be imported, if very large modifications are not made in the proposals now submitted by the University Committee. Our very first suggestion,

then, is that though for the sake of those who can afford it, facilities for residence in college hostels, centralized in the common University, might be provided, no boy should be compelled to reside in the hostel if his means do not permit it. The University regulations must provide for a free system of licensed hostels under proper management, planted in various convenient parts of the city, where boys attending colleges might reside. There is a very large proportion of middle class boys, at present receiving education in the colleges, who are able to pay their way, solely because they are able to give tuitions in private families to smaller boys. On examination, it will be found that a very large proportion of the successful men in the various learned professions have been entirely self-made in this way. It is the natural apprehension that the very pick of such boys will be cut off by the proposed measures from the benefit of higher education that is at the root of so much opposition, which has been evoked by them.

3. The proposal that non-collegiates should reside with *bona fide* guardians alone is opposed mainly on this ground. Mofussil boys, with no one to help them, often come to Nagpur, get some good-hearted gentlemen to give them some little assistance at the start, then go on to obtain tuitions in private families and thus gradually become self-supporting. To compel such students to produce *bona fide* guardians before they can be allowed to be non-collegiates is to handicap them at the very start. We would most respectfully urge that in order that a very large section at least of the educated community might be reconciled to the changes that are now proposed, two things are essential. Firstly, there ought to be no compulsion, real or virtual, on any boy as regards residence in a college hostel if his means do not permit it. Secondly, the provision as regards residence with *bona fide* guardians alone must be struck off, in the case of boys whose natural guardians do not reside in the place where the boy is prosecuting his college studies. For such boys, an elastic system of licensed hostels at moderate cost situated at convenient con-

tres may perhaps be introduced. If these modifications are adopted, we believe that many of the misgivings that are engendered in the public mind will be allayed. We are as anxious as any member of the Committee that boys who are to come out as educated men with University degrees should be equipped not only with intellectual training but sound character. There is nothing that develops character so much as self-reliance in the matter of earning one's own supplies by dint of hard work. We only suggest that no artificial restrictions should be imposed upon such boys obtaining the benefit of higher education.

4. That the modifications we have suggested here are not opposed to the best modern thought as regards the comparative advantages of the residential and non-residential systems will be seen from the considerations to which we beg to draw attention here. We do not say that the residential system has no distinctive advantages of its own. Those are well-known and every parent or guardian who can afford it, will try, we have no doubt, to confer upon his boy or ward the advantage of residence with his tutors and preceptors during the most pliable period of his life. But the economic condition of the middle class boys, who alone at present seek the portals of the University in preponderatingly large numbers, makes the adoption of such a costly, though more advantageous, University system undesirable. The Right Hon'ble Viscount Bryce, in one of his addresses to an American University, says ;—" Whereas the Universities of Germany have been popular but not free and those of England free but not popular, the American Universities, like those of Scotland, are both popular and free. Their doors are open to every one and every one enters...Not only have your Universities been accessible to all classes but they have achieved what never has been achieved before,—they have led all classes of the people to believe in the value of University Education and wish to attain it. They have made it seem the necessary part of the equipment of every one who can afford the time to take it.".....  
.....And again " The four Universities of Scotland are

very different from the English and rather resemble the Universities of Germany, though far less equipped than are the latter,—for Scotland has comparatively a poor country. They have always given a high quality of instruction and produced a large number of remarkable men. There are no residential colleges like those of England; so the undergraduates live in lodgings where they please and there is thus less of social life. But the instruction is stimulating and the undergraduates, being mostly poor men and coming from a diligent and aspiring stock, are more generally studious and hard-working and self-reliant than are those of Oxford and Cambridge." From the point of view of economic condition of the classes who at least at present seek higher education, it must be admitted that this province is in no better situation than Scotland, referred to here.

5. We have quoted here authorities to show that Scotland is the stronghold of non-residential Universities and that the Universities in America and Germany also are non-residential. We give below a table containing the total number of full time students (for the year 1911-12) belonging to each of the five Universities named below and the number of students for whom residential accommodation has been provided in each :—

Names of Universities.		No. of full time Students.	Residential accommoda- tion provided.
University of Bristol		460	175
Do.	Birmingham	876	58
Do.	Sheffield	359	30
Do.	Manchester	1092	184
Do.	Liverpool	926	44

We see from this that the students in residences in Colleges and Universities are not more than 13 per cent of the total number. The remaining 37 per cent reside either with their parents or other relatives or in licensed lodgings



and approved houses. If we look at the state of things in the other university colleges of England, we find the situation thus :--

Colleges.	Full time students.	Residential accommodation available.
Armstrong College.	534	Nil
London School of Economics.	234	"
East London College.	150	"
London King's College.	447	"
Bangor U. College of North Wales.	323	"
Hartley U. College, Southampton.	212	"
U. College, Nottingham.	254	39
U. College Reading.	363	268
Aberstwyth College.	463	290
Cardiff College, South Wales.	591	60
London U. College.	883	82
London Bedford College.	287	68
	<hr/> 2841	<hr/> 736

From this list of Colleges, we see that in six of them there is no residential accommodation at all for any portion of their students. In the remaining six there is residential accommodation available only for 26 per cent of the total number of students.

6. The C. P. University Scheme, on the other hand, provides for the following number of students :—

Hislop College	350	Residential
Morris College	350	Do.
Craddock College	350	Do.
Non-Collegiate	175	Students
Jubbulpore College	300	Residential
	100	Non-Residential
Amraoti College	200	Residential
	100	Non-Residential
Training College	100	Non-Residential
	30	Residential
Total	1580	Residential
	375	Non-Residential

From these figures it is apparent that the proportion of resident to non-resident students will be roughly as 3: 1. If the meaning of residential accommodation being provided for so many students in a certain College be that so many will be compelled to go into residence and that no more than the stated number of non-collegiates will be allowed to attend from outside, we feel bound to say that the scheme will work the greatest hardship in the case of those who cannot, for financial considerations, go into such residence. The letter which the Director of Public Instruction, the Hon'ble Mr. Mayhew, has written to the Editor of the HITAVADA and which is published in its issue of 9th October 1915, gives room for hope that there is no intention to compel such residence. We are bound to say, however, in that case, that the probable estimate in figures as regards those who will and those who will not be able to take advantage of the residential accommodation seems to us to be grossly misleading. The proportion of those who can avail themselves of accommodation can hardly exceed 20 per cent or one-fifth of the total number of students.

7. We have devoted what may seem a comparatively large amount of space to the consideration of this aspect of the scheme because educated public opinion in this Province

is opposed to the new scheme of what will virtually be a Residential University, mainly on the grounds we have entered into here.

### **Constitution of the Senate.**

8. We disagree with the Committee in the view that the members of the teaching staff should predominate in both the bodies of Senate and Syndicate. We do not contend that higher education should be left entirely to the control of the people. On the other hand, we concede that higher education is one of the paramount duties of the State and that it must be nurtured and developed under the fostering care of beneficent Government. But it is unnecessary to have any provisions in the scheme which may possibly convert the University into a mere department of the State. We find in the Report that the non-official Indian element will be in a minority, so as to dissociate it for all practical purposes from the Government of the University and to put all directive and administrative power into the hands of professors or teachers, who would be mostly Government servants. Besides, the highest purpose of British rule in India is not merely to govern the country sympathetically, but also to associate slowly and steadily the people of the country with the work of administration. The Senate will continue to be the final authority in the matter of the recognition of schools and colleges. The elective principle will be definitely recognized in the constitution of the Senate. One essential condition in a scheme of a limited Senate with terminable fellowships is that a large proportion of seats should be thrown open to election so that those who do not see eye to eye with the special representatives of Government, may not be deterred from taking an independent line for fear of displeasing the Government. But to make all the Fellowships terminable in five years and to keep practically four-fifths of the nominations in the hands of Government will, in our humble opinion, seriously impair all real independence in the deliberations of the University. There are in the special circumstances of the province, three different interests which

really require to be adequately represented in the University Senate. There is first the Government, which is, of course, vitally concerned in the character of the education imparted; then, there are the professors and teachers who are actually engaged in the work of instruction; and last, but not least, there are the people of this province, whose children have to receive their education and whose whole future is bound up with the nature of the educational policy pursued. These three interests, at any rate, are not always thought to be identical, and we think it is necessary to secure an adequate representation to each one of them. We feel that it is only reasonable to ask that each interest may be represented by a fair proportion of the whole Senate. We would fix the number of ordinary Fellows at 80, and of these, we would have 20 nominated by Government, 20 either elected by or assigned to different colleges, and the remaining 40 thrown open to election by those who are graduates of different Faculties. The graduates have a permanent and an affectionate interest in their Universities, and in all that conduces to their credit and reputation. Their Participation in the affairs of their Universities would inspire them with a sense of responsibility and would enlist on behalf of educational reforms the sympathy and support of the educated community. There is no desire on the part of any one to divest the University of State control. Such control, however, should be in the nature of general supervision rather than that of direct and active participation in the every day work of the University. In giving representation to colleges, we would take into consideration all those points which the Government wants to be considered in affiliating an institution. We venture to think such a plan will duly safeguard all the different interests. We may mention that in the new constitution of the London University, out of 54 Fellows, 17 are elected by graduates, 17 by Professors and teachers, 4 are appointed by the Crown, and the rest are nominated by certain bodies and institutions. Failing the plan which we have suggested, we would support the scheme proposed by the Hon'ble Dr.

Justice Sir Guru Das Banerjee in his minute of dissent on the report of the Indian Universities Commission of 1902.

9. It is impossible for us to support the proposals put forward by the Committee in its report in allowing the teaching element to have an absolute majority in the Senate of the University, because such a state of things absolutely excludes for ever the chance of the non-official element having its voice heard on any question that may at times crop up against the teaching element itself. It may, however, be said that the creation of an academic Senate is in itself a desirable end, since, in other countries, the government of the universities is in the hands of those who are engaged in the work of teaching. Our reply to this argument is that the whole position is exceptional in India ; and that it is not fair to the people of this country that the higher education of their children should be under the exclusive control of men who want to leave this country as soon as they can, and whose interest in it is, therefore, only temporary. Of course, the Professors must have a substantial voice in the deliberations of the University, but with them must also be associated, almost on equal terms, specially for the purpose of determining the broader outlines of educational policy, representatives of the educated classes of India. And it is because the Report proposes to ignore this aspect of the question, and practically reverses the line of policy adopted by Government in this matter for over half a century that we look upon the recommendation as a distinctly retrograde one.

### **The Syndicate.**

10. The constitution of the Syndicate also is open to the grave objection that it goes much further than the Indian Universities Act 8 of 1904 in centring all power in the teaching element. The constitution proposed in the Report would have a minimum of 8 out of 13 from amongst such educationists. The object of the Committee appears to us to give more than half the number, of seats on the Syndicate for different Faculties of professors and teachers. We are opposed to this provision. The arguments we have

urged above in regard to the constitution of the Senate apply even more forcible in the case of the Syndicate. We would give one-fourth representation to these men on the Senate but having done that, we would leave the Syndicate to be composed of those whom the Senate considers to be best qualified. We really think it is not desirable to prop thus, by means of the statute, men whom the Senate does not care to put on the Syndicate. Considering the duties which the Syndicate has to perform, and considering that it will not be likely to have all colleges or even all classes of colleges represented on the Syndicate, a statutory majority of teachers as such will be undesirable in the interests as well of the general public as of the colleges themselves. We may add that we would not object to a majority of teachers on the Syndicate, if such majority results from an unrestricted election by the Senate, which would imply that the teachers formed the majority because they were considered fit to be on the Syndicate and not simply because they were teachers. We are against the view taken by the Committee in allowing the teaching element to have an absolute majority in the Syndicate of the University, because, as we have already stated above, such a state of things absolutely excludes for ever the chance of the non-official element having its voice heard in any questions that may at times crop up against the teaching element itself.

### **The School-leaving Certificate.**

11. Another portion of the Report in which we are unable to concur is that which is contained in paragraphs 57, 58 and 72 of the report in which the learned members express their views as to whether and how far the school-leaving certificate examination should take the place of Matriculation Examination. As no definite scheme of the school-leaving certificate examination is before us, we cannot compare its merits with those of the Matriculation Examination. But whatever the nature of that scheme may be, we may say this, that if a literary as distinguished from a technical course of school education is retained, as one may presume

it will be, the test of such education and that of a student's fitness to enter a college or University, ought to be the same, and one examination ought to be sufficient as a test for both, instead of Examinations being multiplied unnecessarily. A large examination no doubt has its difficulties, but they are not removed by making the school-leaving certificate to take the place of the Matriculation Examination. The question is reduced to this, namely, whether if there is to be one examination, it should be the school-leaving certificate or the Matriculation Examination. We think it ought to be the latter. It will serve the double purpose of testing whether a student has pursued his school course of literary education properly and whether he is fit to enter a college. The opposite view will result in placing all schools, whether they receive aid from Government or not, under the control of the Education Department, though many of them impart education only to enable their students to enter the Universities. The latter class of schools, where they receive no aid ought to be placed under the control of the University. If the object be to prevent unfit students from entering the University, it will be secured by raising the standard of the Matriculation Examination, and it will not be necessary to remove the examination which students have to pass after finishing their school education, from the control of the University and place it under that of the Education Department or to wish for the Matriculation certificate not being taken as a qualification for certificate purposes. The view approved in the Report will also have the effect of materially reducing the resources of the University, which are derived in a large measure from the fees paid by candidates for the Matriculation Examination. The school-leaving certificate will be awarded not only upon the result of a single examination, but will be based also upon the record of a candidate's school career. Besides, the University will also have its proper share of responsibility in awarding the certificate by having adequate representation on the Board to regulate the conditions of awarding it. Under the above circumstances, we see no

necessity of having any further supplementary examination in any subject and overburdening the students thereby, especially when the Committee wants to lessen the burden of examinations. On the whole, we are strongly of opinion that the single Matriculation Examination is a quite sufficient test to allow the students to enter the University. The proposal of school-leaving certificate examination in addition to Matriculation simply overburdens the students with examinations and thus handicaps them from pursuing higher education. Under rule 3, sub-rule A-(3) of the Allahabad University regulations, the Syndicate can and could admit matriculated students as under-graduates of the University. There is no reason why the Committee proposes a drastic measure in this province to the effect that no student should be admitted to the Intermediate Course, unless he possesses a school-leaving certificate. We suggest that a single Matriculation Examination is enough to admit a student to the Intermediate Course.

### **The Matriculation Age-Limit.**

12. In paragraphs 72 and 113 of the Report, the Committee recommend that the minimum age for Matriculation Examination should be sixteen. We are not in accord with this proposal. We strongly urge that the rule fixing sixteen years as a minimum age for candidates for the Matriculation should be altogether omitted. The greatest objection to this limitation is that it would be a great handicap on a bright boy who may be fit to go up for the I. C. S. If a limitation is at all thought necessary, it may be put at 15 instead of 16.

### **The Honours Course.**

13. We are unable to accept the views of the Committee, contained in para 39, regarding the separation of Pass and Honours Course and extending the period of the honours Course to three years. We are of opinion that all students might be taught together and examined on the same papers, Honours being given to those who obtain more than a certain percentage of marks. At one time,



there was a complaint that the introduction of the Honours course at Calcutta had depreciated the pass degree of B. A. The Indian University Commission of 1902 was of opinion that the M. A. Examination, on the whole, should be treated as the Honours examination.

14. We are against the proposal of the Committee regarding the abolition of written examinations for the B. A. Honours course, as contained in paras 99 and 121 of the Report. This is entirely a novel and untried system of examination, and we do not think that we should be the first to make this experiment.

### **Candidates Failing to Pass Examination**

15. Plucked candidates should be freely allowed to reappear for examinations till they succeed. We are not in favour of imposing any restriction in this connection. Any restriction by rules will be most undesirable in the interests of the general public. The Government of Madras have sanctioned the alterations in the regulations of the Madras University adopted by the Senate at its meeting held on 5th March last, relating to the removal of the present restriction of candidates for the Matriculation, Intermediate and B. A. Degree examinations to only three appearances. Candidates for these examinations, therefore, can in future appear any number of times. These alterations in the regulations will have a retrospective effect so as to enable the students who have already appeared for, and failed three times in past years at the Matriculation, Intermediate or B. A. Degree examinations to again appear therefor. We hope our Government also will adopt the same view in this province.

### **Examination By Compartments.**

16. The system which is called "*examination by compartments*" was advocated by several witnesses before the Indian University Commission of 1902, and in particular it was represented to the Commission that a candidate who failed in one subject should be allowed to pass on satisfying the examiners in that subject, and should not be required to bring up all his subjects again. We understand that such

system had been long in vogue in England and other European and American Universities. The Government should have no objection to introduce such a system in India to discourage cram.

17. The committee, in para 30 of the Report, say that it will be many years before the demand for higher courses will justify the establishment of Faculties in Agriculture, Commerce, Medicine and Engineering. We venture to submit that there is ample demand for the establishment of these Faculties. It is not right to force our students to go to other provinces for the attainment of these Faculties at considerable extra expense and inconvenience. We strongly urge that these Faculties of Agriculture, Commerce, Medicine and Engineering should be maintained in our University also.

18. We have here dealt with only what we have considered to be the principal features of the new University Scheme. Besides this, we would like to add that we are in general agreement with the views expressed by the Graduates' Association of Nagpur in their memorial to the Hon'ble the Chief Commissioner. We hope and trust that non-official public opinion will be given its due weight in determining the shape which the projected University of this province may finally assume.

### **Term of Office of Senate Members.**

19. If half the number of the Senate is not kept open to election, we would suggest that an ordinary fellow should hold office for life. Under Acts Nos. 11 of 1857, No. 22 of 1857 and Act No. 27 of 1857 of Incorporation in the Universities of Calcutta, Bombay and Madras, fellowships are held during the pleasure of the Government, and practically they have been regarded as tenable for life or during residence in this country. In the case of Universities of the Punjab and Allahabad under Acts Nos. 19 of 1882 and 17 of 1887, fellowships are tenable practically for life, though a fellow may be removed by the Government upon the recommendation of two-thirds of the members present

at a meeting of the Senate. In the Committee Report, it is proposed that every ordinary fellow of the University should hold office for five years. This rule will undoubtedly tend to impair the independence of nominated Fellows. It is also open to the objection that the temporary character of the tenure of office of the members of the Senate may tend to impair their independence and incline them sometimes to decide questions, not according to their merits, but according to the wishes of those with whom the power of re-appointment virtually rests; and it will be no answer to this objection to say that an independent member may re-enter the Senate by election, the chance of his doing so being very small owing to the smallness of the number of elected members. It may, no doubt, be contended in theory that the Government, in considering the claims to re-appointment of Fellows who have vacated their office, will have regard only to their fitness irrespective of the fact that they might have opposed the views or the policy of the Government upon particular questions; on the other hand, it may be supposed that there may be persons of sterling independence who would fearlessly discharge their duties regardless of consequences. It seems to us, however, that there are extreme cases which it would be next to impossible to realise in practice, and in the vast majority of instances nominated members of the Senate, at least such of them as may be anxious to retain a seat on the Senate, will shape their conduct in conformity with the views expressed or supported by high officials. We venture to think that, if such be the actual result, no reasonable man can doubt for a moment that it would be disastrous to the best interests of the University. Then, again, it seems to us that the rule of terminable Fellowships would keep away from the elections quiet scholars who would hardly care to face a contested election once in every five years. It seems to us that with periodical elections by such constituency, the candidate most likely to succeed will be, not the best qualified scholar, but the most strenuous organiser and the most persistent canvasser. The only plausible reason that

may be urged against the suggestion is the tendency of life-fellowships to postpone the admission of new members who may be of exceptionable distinction, till a vacancy occurs. But the obvious answer to this objection is that the number of persons of such distinction is extremely limited, and no practical difficulty need be apprehended, inasmuch as vacancies on the Senate most frequently arise by reason of death, resignation or retirement, as also by the operation of section II (2) of the Indian Universities Act VIII 30 1904, which provides that an ordinary Fellow may vacate his office by reason of non-attendance at meetings of the Senate for the period of one year. We are not unmindful of the provisions of the London University statute, under which no member of the Senate can retain his office for a longer period than five years. But we may be permitted to point out that the surrounding circumstances, both political and educational are so radically distinct, that no fair comparison can be instituted between the constitutions of the London and Indian Universities. Indeed, if the Government would give us the constitution of the London University with all the safeguards provided by the system of election, we would, without hesitation, close with the offer at once. But it does seem to us to be not quite fair to single out one particular feature of the London constitution, and to cite it as weighty authority against our position when it is conceded that the constitution of the Universities we are dealing with must necessarily differ in essential particulars from the London constitution. It seems to us, therefore, that the balance of convenience is in favour of our suggestion that the five years proposal should be entirely dropped, that exceptional care should be taken when a Fellow is appointed but that, when a proper person has been appointed, he should be allowed to work. Besides, the members of the Committee must have forgotten for the moment a celebrated minute by the late Marquis of Salisbury, dated the 20th of April, 1875, in which the five years rule is condemned in unqualified terms, and it is pointed out that the actions of the Indian Government formed a long series of inconsistencies, that it

had been found impossible to give permanent force to a new policy and all this was attributed to the fact that "the Indian Government is," we will quote the language of the great statesman "by the law of its existence must be a Government of incessant change, it is a despotism of a line of kings whose reigns are limited by climatic causes to five years." We have quoted the language of one of the greatest British statesman of the nineteenth century, and we hope we may be pardoned if we tenaciously adhere to error in such company. We are fortified in this view by the venerable and sterling opinions of distinguished and able statesmen, like Dr. Justice Gurudas Banerjee, Dr. Justice Asutosh Mukerjee, Mr. Surendranath Banerjee and the late Mr. G. K. Gokhale.

### **The Deans of Faculties.**

20. We entirely agree with the Hon'ble Mr. M. R. Dixit that the constitution of the Faculties is on novel lines. The Deans are usually elected in the sister Universities, but here again we have nomination, pure and simple. No case has been made out for the Committee's recommendation reversing the practice in vogue. We are opposed to this recommendation of the committee. We would suggest that the deans of the Faculties are to be elected and not nominated.

### **Centralization of Law Teaching.**

21. As the University will not teach more than 25 of law students, we would suggest that each college, whether private or Government, should be provided with a law class. The income derived by some of the colleges from their law department goes materially to help their Arts Department; and if the former be closed, as will be the case if law education is centralised, the latter will suffer. This is a result which should be avoided if possible. Another strong reason against centralization consists in the large number of law students. No central college, however well managed, can conveniently accommodate or efficiently teach such a large number of students. We would

therefore, leave law teaching in the hands of the colleges ; provided that they increase their staff where it is insufficient, and make arrangements for tutorial supervision by having classes in the morning or in the evening. We would recommend that the University should establish at its local centres good law libraries accessible to all law students of affiliated colleges, and law societies under the guidance or committees composed of members of the Bench and the Bar of the High Court and of the Professors of the Law Colleges, where law students may meet and read papers and have debates on questions connected with law.

22. In regard to the quotation cited from the report of the Calcutta University in paragraph 122 of the Report, the learned Committee altogether forgot the condition of our Indian poverty-stricken students. They cannot afford to buy books. They seek employments as teachers in schools or clerks in public offices, because they must maintain themselves and meet with the expenses of college fees etc. There is no reason why the college should be centralized and why the period of the law course should be raised from 2 to 3 years.

### **The Law Course.**

23. We agree with the Hon'ble Mr. M. R. Dixit in saying that the law course should be for two years and not three years as recommended by the Committee. Whole time law staff and additional tutorial instruction, we feel confident that a systematic study of law would be feasible in two years' time ; no case has been made out at all for a three years' course. Besides, it is practice alone that can make a lawyer perfect. No amount of class room or tutorial instruction can ever achieve what practice alone can teach. And the further fact cannot be ignored that unlike English universities, we shall only admit a graduate to the law course, evidently "after he had acquired good and careful habits of study." We cannot comprehend why law course should be raised to three years in a poor and backward province like ours, when all the other enlightened and

Regulation provinces maintain a two years' law course. This is merely waste of time and energy of the students. In this connection it is noteworthy to read the pregnant remarks of Dean Herman Schneider of the Cincinnati University : "In the first place it means that the educators have recognized certain limitations of the school room. From the assumption that the "teaching" can impart all that youth needs to learn they have come to a lively realization of the fact that we can learn to do only through practice in doing. The second point is that if young people are to learn to do things as they are being done in business, the shop, the office, the chambers and the store are the right places for learning. Lord Willingdon said :—"I hope you will not suppose if any of you have ever had this persuasion that your education is completed. It is only beginning. You cannot completely learn your civic duties in books, however sedulous you may be, nor in the society of your contemporaries, nor even from the instructions of your tutors. You can only learn them after many struggles and disappointments in the world of men and affairs." In the words of Lord Willingdon, Dean Herman Schneider and the Hon'ble Mr. Dixit it is practice combined with intellect that makes a lawyer perfect but not tutorial instruction.

### **Private Students.**

24. We do not concur in the recommendations of the Committee contained in paragraphs 59 and 95 of the report to the effect that no students should be admitted to an examination unless he has attended the full course of instruction either in a school or college. It is not desirable in the interests of justice and fairplay to exclude the private candidates from any examination. Some boys might be physically unfit for school-life, and there are wealthy parents of high position whose wish to have their boys privately educated may reasonably be respected. It, therefore, appears to us that the appearance of private candidates for any university examination should be entirely unrestricted. The regulations should permit a candidate who produces a certificate from the Head master of a recognized High

School or College to the effect that he is of good character and a certificate from his guardian assenting to the application. It is the look out of the parents whether the student fails or passes. The University is not justified to interfere in such matters.

### **Transfer of Students.**

25. The Committee is silent on this point ; but we cannot overlook its importance in our criticism. We are fully alive to the importance of maintaining discipline, and would disallow transfer in the middle of a course if such transfer is sought for to avoid the enforcement of discipline. The reasons that may be urged against freedom of transfer are :—

- (1) that free transfer is detrimental to discipline ;
- (2) that free transfer is detrimental to the interests of the student asking for it ;
- (3) that free transfer is detrimental to the interests of the college to which the student belongs.

The first is the only good reason against allowing free transfer ; and where a transfer is applied for to evade discipline, it should be disallowed. To extend the prohibition any further would be to impose undue restriction on the freedom of the student. The University regulations should clearly define what discipline is.

As to the second reason, we think it should be left to the student and his guardian to judge whether the transfer applied for would be beneficial to him or not.

And as to the third, we do not think it would be right to protect a college at the expense of the student. A college should depend for protection more upon its own strength and efficiency than upon rules against transfer.

26. Because a student takes his admission into a college, that is no reason why he should be compelled to continue in it until his course is finished. His circumstances may chance for the worse or the better, making him either unable to pay the fees of that college or able to pay



the higher fees of a better college ; or the circumstances of the college may change by changes in its staff ; or he may find the treatment of some of the professors to be unsympathetic and incivil ; and it may become desirable for the students to obtain a transfer. To compel him to state his reasons in such a case would be most undesirable, and more injurious to discipline than to allow the transfer freely.

27. The attachment of a student to his college is, no doubt, a most laudable and wholesome feeling, and should always be carefully fostered and encouraged. But it should be spontaneous ; and it can not be created by any compulsory rules against transfer. Such rules may protect the pecuniary interests of colleges ; but they will be far from being conducive to the creation of any such feeling indeed, to the Indian mind, they will make the relation between a student and his college appear more mercenary than it ought to be. They may also, by guaranteeing protection against any falling off of students, indirectly tend to impair the desire for improvement on the part of colleges. We would, therefore, recommend the allowing the transfer freely.

### **The Rate of College Fees.**

28. It is considerations of efficiency which have determined the attitude of the Committee in regard to the question of college fees. Efficiency is difficult to measure, its estimation is open to dispute, and the principle that with a fee-scale below a certain limit, efficiency in a college with considerable endowments or subscription is impossible, is one for which there is much to be said. But if the scale is so fixed as to substantially reduce the number of students, the increase in the rate of fees would defeat its object and diminish the total receipts of the college from that source. Further, raising of the fees would throw difficulties in the way of higher education of the deserving poor. The diffusion of education among the people, including the deserving poor, has been the steadfast concern of Governments in the past. "Care must be taken", said the Government of

India in their Resolution on the Report of the Education Commission of 1882, "that no unnecessary obstacles are thrown in the way of the upward progress of really deserving students of the poor classes. The Governor-General in Council has no wish to close the doors of higher education, to all but the wealthiest members of the native community." Lord Curzon emphatically endorsed this policy and said in the letter of Government that "nothing can be further from the wishes of the Government of India than to initiate a policy which would make education the monopoly of the rich."

29. Despite these noble, statesmanlike and weighty expressions, if heavy fees are levied, higher education must necessarily become the privilege of the few. If the fees were adequate in 1882, any addition to them would operate in the nature of a restriction imposed upon the poorer sections of the community who supply the bulk of our students. The whole problem therefore resolves itself into this—is the proposed scale of fees adequate or not? The question was carefully considered by the Education Commission of 1882, and they were of opinion that the rates then levied were generally adequate, regard being had to the fact that the majority of the college-students belong to the struggling middle class. They did not indeed write without chapter and verse; for they observed: "the great landed proprietors are scarcely, if at all, represented (in our colleges). In Bengal the income of more than half the parents is assessed at sums varying from £ 20 to £ 200 a year." If the college fees were adequate in 1882, having regard to the then condition of the middle class, they cannot now be considered as inadequate or insufficiently low. The condition of the middle class has not improved, while the prices of provisions and of the necessary articles of life have risen double and treble. If anything, the condition of the middle class has become worse. The salaries of Government servants are fixed and the Indian servants of Government receive no exchange compensation allowance. The income of lawyers in 1915 is, we are afraid, much less than it was

in 1882. There is thus no reason to assume that the fees paid in 1882, which are considerably lower than those paid in 1915, are insufficient or inadequate; and if not, any attempt to raise them to Rs. 7-8 and Rs. 8-0 per month must necessarily restrict the area of high education. There is indeed an upward trend in the direction of fees, and the movement may be left to itself without the stimulus of external pressure. Scholarships and endowments may indeed help the poorer students. But scholarships must be available only to a few of the deserving poor and they will also be open to the deserving rich.

30. And where are the private endowments in aid of education? Nature is not rich in her choicest productions; and a Tata and a Carnegie and a Wadia, Dr. Rashbehari Ghose and a Palit who divest themselves of their all for the benefit of mankind, are as rare as they are the noblest types of their race. We very much fear endowments would not be forthcoming for educational purposes, unless a movement in their favour were started under such distinguished auspices as have crowned the Victoria Memorial and the Lady Dufferin Fund with success. Educational opinion is in entire accord with Dr. Sir Gurudas Banerjee's view of the question:—"That the minimum rate of college-fees should be left to adjust itself according to the circumstances of each province, and the universities should not interfere in determining it unless there are very strong reasons for doing so." There are no strong reasons to raise the college-fees very exorbitantly as proposed by the Committee. We are naturally anxious that nothing should be done to interfere with the diffusion of higher education among the great middle class. The noblest products of English education have all come from this class, the deserving poor. Iswar Chandra Vidyasagar, Mahadeo Govind Ranade, Kristo Dass Pal, Dadabhoy Naoroji, Mr. Banerjee, Dr. Sir Rashbehari Ghose, Mr. G. K. Gokhale, Principal Paranjape, Sir N. G. Chandavarker and Sir Muttuswamy Ayer, and others too numerous to be mentioned here, were all sprung from the middle class. Their education made

them the benefactors of their country. They were an honour to the educational system under which they were brought up. Are doors of higher education to be closed against men of this class by the imposition of prohibitive fees? As the "Statesmen" newspaper which did yeoman's service in this controversy in 1902 and to which the grateful acknowledgments of the Indian community are due, says with great force:—"If a certain standard of efficiency is insisted on, what need is there for the Government to go behind that condition and concern itself about the cost and the way in which it is defrayed." The Secretary of State, Lord George Hamilton, said in reply to Mr. Caine's questions in the House of Commons that he had no doubt that the interests of the poorer students would not be ignored by the Government. We trust that the Hon'ble the Chief Commissioner, whose attitude throughout has been so eminently conciliatory, will be graciously pleased to fix the college-fees in the scale as it was in 1882. The Provincial Conferences of 1905, 1906 & 1907 that were held in Nagpur, Jubbulpore and Raipur respectively unanimously resolved and protested against the raising of fees in Government schools and colleges. Resolution 7 (b) of the first conference of 1905 runs: "that this conference is of opinion that the recent rules enhancing fees in Government schools and colleges are calculated to retard the progress of education in a comparatively backward province like ours, and prays that the scale of fees should be so revised as not to exceed the scale in force in 1896". Resolution 7 (a) of the second provincial conference reads. "That looking to the now more or less general recognition of the principle that the State is bound to provide free primary education to its subjects, and looking also to the present growing educational needs of this backward province and the great obstacle placed in the way of secondary and collegiate education by the recent enhancement of fees, this conference most earnestly prays that the Government be pleased to increase its educational grant so as to enable it to (b) reduce the present scale of fees prescribed for secondary schools and

colleges". Resolution 4 of the third conference of 1907 runs "that this conference respectfully felicitates the Government upon the reduction of college and school fees made recently in the Central Provinces and upon their resolve to abolish fees in primary schools and begs to express its concurrence with the principle that it is the duty of the State to provide free elementary education for all its subjects". It appears that the Hon'ble the Chief Commissioner in Mr. H. A. Crump's letter No. 747 dated the 24th August 1906, reduced the school and college fees in accordance with the prayer of the Provincial Conferences. When Government reduced High School and College fees in 1906, we see no good reason why the scale of fees should be so exorbitantly fixed at a time when the provisions and other necessities of life have now doubled and trebled.

### **Additional Subjects.**

31. But the Committee, instead of reducing the already heavy burden on the student, proposes sensible additions by recommending two additional subjects for the intermediate examination. The additional subjects are (1) Elementary Economics and (2) Vernacular. We admit that Vernacular is an excellent subject; but we do not admit that it should be prescribed for Intermediate Examination. What we suggest is that a separate Vernacular University should be created in this province. The creation of a separate vernacular university will be a lasting monument of the enlightenment and beneficence. Our middle-class men are sure to take advantage of such a university in large number. In this way, we think, will all conflict of interests, which stand at present in the way of a due recognition of the vernaculars by our University, be avoided, and the vernaculars receive all the incentive for their development that they need. In the Calcutta University it was after a hard fight that the number of subjects for the B. A. Examination was reduced from four to three by the almost unanimous vote of the Senate. A Teachers' Conference which sat in Calcutta some years ago unanimously protested against the proposed in-

crease in the number of subjects for the B. A. Examination. There is too great a disposition in some quarters to forget that a wide area of surface in academic instruction often involves a sacrifice of depth. The practical teacher is confronted with this difficulty every moment of his life, but the doctrinaire, safe in his ignorance, is apt to overlook consideration, so simple and yet so imperative. Our Committee had altogether forgotten what the Indian University Commission of 1902 had said. That learned body of the Commission said:—"Care must be taken, in framing the programme of an examination, to see that subjects are not so numerous as to lay an undue burden on the minds of the candidates".

32. Mr. Syed Ali Bilgrami institutes a comparison between the courses of study in the English Universities and those of the Indian Universities. He finds that from the Entrance Examination to the end of his course, the student in India has to study more subjects than the English student. Not only has the English student to pass in a smaller range of subjects to enter a University, but after he passes he is allowed to specialise, and if the English University has an Intermediate examination, it is rather designed to serve as a guide to his special attitude, as a preparation for his pass examination than as a test for his general knowledge. As the "Pioneer" observed the Indian student has to spend his time and industry over many subjects, and in the words of Seneca he learns merely to speak with others and not with himself. Despite these facts we are told that our degrees are cheap, and that educated India is interested in keeping them cheap. Never was a more unfounded calumny uttered and the marvel is that it should have been given currency to, by so well-informed and so responsible an organ of public opinion as the "Times".

### **Conclusion.**

33. The educated community throughout this province will watch the further progress of this scheme with keenest interest. To them the issues raised are of supreme importance. The whole of their future might be said to be at

stake. Are they to have their present educational system strengthened, invigorated and adapted to modern requirements, combining height with surface, the steady expansion of the educational area with the gradual advancement of learning, or are they to have an emasculated system, shorn of the principle of growth and expansion, confined to an infinitesimal section of the people with influence on the life of the community and without power to mould it for the highest purposes of human progress ?

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# The C. P. University.

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*(Reprinted from Nagpur and Berar Times—13th Nov. 1915.)*

1. The subject of education is not second in importance to any other. Not long ago the whole country was convulsed over the Report of the Universities Commission which plainly showed a determination to deprive a large portion of our middle classes of the benefits of higher education in the country. The Report of the C. P. University Committee appears to me to be the successor of the same. With history and aristocratic ideas, "Cantab" wanted to make our educational institutions approach as nearly as possible the standard of Eton and Oxford. It was naturally difficult for him to understand why poor men (such as the majority of our middle classes happen to be) should be anxious to receive a sort of education which poor people's children in England do not aspire to receive. I cannot help feeling sorry at the prospect of our meritorious students of limited means being excluded from the benefits of higher education by the raising of fees, &c. It is all very fine for the scions of the aristocracy, brought up in the lap of luxury, to imagine that it is only they and men like them who are fit to receive the advantages of higher education which they themselves have received in Eton or Rugby, in Oxford or Cambridge. For our part we must remember that some of our most distinguished men who were the first to be honoured by the Government itself with the highest offices ever yet attained by any Indian—We cannot help remembering that these men would never have occupied the positions that they did if the difficulties now sought to be thrown in the path of poor students had existed at the time when they were students in our schools and colleges. I take it that there can be no more important national question than the question of education. We do not want difficulties to be



put in the way of our poorer students. If I may be permitted without derogating from the dignity of the occasion, to use a homely saying, I would remind you that "there are more ways of killing a cat than stuffing it with cream." We do not want our indigenous colleges to be harassed by undue interference. While we are prepared to welcome any reasonable and well considered reforms as regards the health, morality and education of our students, we do not want the aristocratic standard of Eton and Oxford to be established in this poor province. "Education", said Lord Willingdon, "is a necessary condition of the permanence of human society in however primitive a form. It is primarily the instrument which enables the new generation to profit by the experience of the old and in the preservation and progress of communities of men it performs a vital and necessary function. Education in this wide sense is therefore an aspect or reflection of the communal traditions itself, and in proportion as the community rises in the scale of political development and consciously evolves a characteristic temperament and tradition, its educational system is necessarily inspired by this tradition and we find it recognized, tacitly or expressly, that the primary purpose of education is to make good citizens". In this connection Lord Carmichael also has said "There will be but one feeling that all must be free and equal citizens of one great Empire whose aim and object is to fit each individual to do his best for the benefit of his fellow citizens.....We must prepare ourselves by our education to appreciate the good".

2. From the way "Cantab" writes, it will at once be conceded that the university system in India is not perfect, any more than any other human institution is; and a cautious and well-devised scheme of reform, calculated to promote the advancement of learning without interfering with the spread of higher education, would be welcomed by the educated community; for they realise the truth that their future progress largely depends upon a sound system of education which would qualify them for the hard and

increasingly difficult competition of modern life. As His Highness the Gaekwar of Baroda has observed in his admirable article in "East and West".—"Education will be the watchward of the twentieth century and the diffusion of education, the great object upon which will be concentrated the energies and the statesmanship of the century." Could we persuade ourselves to believe that the recommendations of the Committee would secure the advancement of learning without restricting its area and that it would combine height with surface, there would go forth a mighty voice from educated C. P. supporting the Report of the Committee and offering to the members our cordial congratulations. But the scope of their Report leaves no doubt on the subject that the effect of their proposals would be to narrow the popular basis of higher education and to restrict its area.—It is against this policy and recommendations which lead to it that we desire to record our respectful but emphatic protest. We cannot accept a policy which would deprive our great middle class who are far from being well off, from whom came our intellectual classes, who with their keen hereditary instincts, have from time immemorial furnished the intellectual leaders of the community, to be deprived of some of those opportunities of higher education which they now enjoy.

3. "Cantab" says that he supports the scheme, even though it is expensive and even though it will offer opportunities only to the few and not to the many. He could not have said better if he intended by that language that these few highly cultured Indians were intended to be exhibited in the Museum as the types of highest culture, so that those who gaze at these figures may derive inspiration and benefit! Otherwise, it is impossible to account for the language used by "Cantab" in regard to the advantages of confining higher education to as few as possible. In this connection I would quote the authority of Lord Willingdon who says,—"I mean that it is insufficient that even the highest educational ideals should be attained by a small and

select group. Culture which is enjoyed by the few at the direct expense to the many of the elementary decencies of life is the worst form of capitalism. Consequently, it is of the first importance that education should be extended, in proportion to their capacity, to the lowest in intelligence and attainment as well as to the highest, and there should be an opportunity for all to partake of the best that we can give. The social and economic improvement of the backward classes is therefore, in one of its aspects, a great educational problem, and if it should be objected that the ideal of education which I have sketched is, in relation to such questions, rather a transcendental ideal, I reply that on the contrary it is largely upon them that I rely for its justification. Its demands are quite as insistent on behalf of the ignorant and unprogressive as on behalf of the best endowed in capacity and opportunity. The State suffers throughout its whole fabric if the humblest of its members is denied justice ; and the existence of a large number of human being in any community, living hardly in penury and uncleanness of body and mind, is not only repugnant to humanity ; it is an anomaly, a danger, and a disgrace even in a social system animated by no higher motives than prudence or expedience. This, I regret, is one of the most insistent tests of our conception of education and citizenship." This matured opinion and announcement of the Governor of Bombay totally discomfits the view of " Cantab." His support to the University scheme is no public support. It is an individual support. He supported the scheme in the lap of luxury without taking into consideration the fate of our poor boys.

4. " Cantab " further says that it is only the residential university cities that aim at the development of character and moulding of thought. " The value of university for educational purposes," says the Right Hon'ble Mr. Arthur James Balfour, the ex-Prime Minister of England, " lies not principally in its examination, not even wholly in its teaching, however admirable that teaching may be : it lies and must lie in *the collision of minds between student*

*and etudent.* It is our contemporaries who make our most useful critics ; it is even our contemporaries who make our most instructive teachers, and university life which consists only of the relation between the teachers and the taught, between the professors and the students, is but half a university. The other half consists of the intercourse between the students themselves, the day-to-day common life, the day-to-day interchange of ideas, of friendship or commentary upon men and things and upon the great problems which the opening world naturally suggests to the young—the University which is deficient in that is, I say, half a university and no mere scholastic equipment, can satisfy the void which is thus left. I myself hold the view that in the question of education, apart from the mere examinations, the youths educate each other almost as effectively, and in some respect more effectively, than the education they receive from the Professors". This sterling opinion of the ex-Prime Minister of England overthrows the idea of establishing a centralised or residential type of university in this Province.

5. "Care must be taken", said the Government of India in their resolution on the Report of the Education Commission of 1882, "that no unnecessary obstacles are thrown in the way of upward progress of really deserving students of the poorer classes. The Governor General in Council has no wish to close the doors of high education to all but the wealthiest members of the native community". Lord Curzon emphatically endorsed this policy and said in the letter of Government that nothing can be further from the wishes of the Government of India than to initiate a policy which would make education the monopoly of rich. Writing on the lines on which the London University should be organized, Mr. Sidney Webb, a high educational authority, thus comments on the importance of the spread of education among the general community :— "Being, as regards its under-graduate class, essentially a university for the sons and daughters of households of limited means and the strenuous lives, it will not like Oxford and Cam-

bridge, set itself to skim from the surface of society the topmost layer of rich men's sons and scholarship winners. Wisely organized and adequately endowed, it must dive deep down through every stratum of its seven millions of constituents, selecting by the tastes of personal ambition and endurance, of talent and gift for all brain-working professions and for the scientific research every capable recruit that London rears. Hence it must stand ready to enrol in its undergraduates not hundreds a year but thousands. If we remember Paris, drawing from much smaller local populations and exposed each to the competition of a score of other universities in its own country, has actually twelve thousand university students, we can see that any equally effective London university might easily number twenty thousand". Principal Selby of Bombay, however, argues (in an article in "East and West", Bombay November 1901) that not only is the cost of higher education fairly considerable when one takes into account average Indian incomes, but the Indian parent bears a larger proportion of the expense of education than the parent of such boys in England as are capable enough to win college scholarships. The average income per head in India seems to be between 20 and 30 rupees per annum ; in England £ 40 to £ 50 per annum. Compare the vast difference. When the parents of Indian boys already put to a large proportion of the expense of education than the parents of such boys in England under the existing university system, the centralised or residential university will certainly increase the cost of education of our poor boys. This is why I urged and will urge that university education should be disseminated in commonalty and it should not be expensive and beyond the reach of our poor boys. University education should never be stinted by putting unnecessary difficulties in the path of our poor boys as remarked by Mr. Sidney Webb and Lord Willingdon. I do not suppose that "Cantab" is a higher authority than Mr. Sidney Webb, Sir Philip Magnus, M. P., or Lord Willingdon.

6. We are the heirs of an ancient civilization and the true office of education ought to be the encouragement of a gradual and spontaneous growth of the ideals which have given a definite mould to our culture and our institutions. In other words, education, in order to be of any value, must be a process of evolution and not revolution in our curriculum; therefore, Hindu ethics and metaphysics will occupy a foremost place, the western system being used only for purposes of contrast and illustration. Special attention will also be paid to a knowledge of the country, its literature, its arts, its philosophy, and its history. For a nation that does not take a just pride in its own annals must be wanting in self-respect. Man, however, cannot live by the past alone, and we have, therefore, taken for our model the modern, as distinguished from the older universities of the West. But our great aim is to mould the national character on Hindu traditions and from Hindu ideals to turn out loyal citizens capable of leading their countrymen to greater achievements in science, in arts, and above all, in social well-being. For this purpose, it will be necessary to instruct our students in ethics of Hinduism at its best, in its purity, not in its decay or degradation; to instruct them in that Hinduism under which some of the loftiest and purest spirits have found shelter, which has furnished moral guidance to millions for centuries and has taught them lessons of humanity and reverence which are still the proud heritage of the race to which we belong. We are equally convinced that the religious training which is to shape our moral and social ideals must rest on a sound and rational education. The spirit of religious intolerance will stand rebuked before true culture. A man of real education is known to be a man of broad sympathies. In these circumstances, I hold that it is not residential or centralised university but it is higher moral and higher spiritual ideals that aim at the development of character and moulding of thought. This is not only my personal view but it is the view of that erudite lawyer and eminent politician, Dr. Sir Rash Behari Ghose. I would remind "Cantab" of the

weighty remarks of Sir Philip Magnus, M. P. who said :—  
 “ We must give equally to all our children the ground-work of a general education supplemented by that specialised education which would enable them to earn their living. We must do more. We must see that the teaching essential to the attainment of these ends should be such as to build up and lift up the character of the citizens by placing before them a higher moral and higher spiritual ideal than that of material gain for themselves or their country. That necessity knows no law and that might is right were doctrines, which it taught, would make education an instrument of savagery and a curse instead of a blessing to mankind.”

7. I would appeal to the authority of Lord Willingdon who pointed out other ways than the one “ Cantab ” suggested which laid to the development of character and moulding of thought. He says: “ Remember that, however perfected a state system of education may be, it can never replace the training in conduct and morals which should be received at home. A part from the obvious human truth of this proposition, it is a logical inference from our premises. Firstly because the natural preceptorship of the parent is one of the gravest of individual responsibilities which must accept and discharge and of which no one can relieve him ; and secondly, because, if the State presumed to arrogate to itself the right or accept the responsibility of being the sole and sufficient authority in such matters, it would violate one of the most essential of our principles, a due balance between the collective and the individual function in the State. Again, let me ask, do we always recognize how great is the responsibility of the teacher appointed by the State in his relation to the students in the various schools and colleges who come under his care and influence ? If he thinks he has executed his charge of teaching, in the prescribed hours of tuition, the curriculum of his school or college, he is in grievous error. It is obviously his duty to study the character and moral tendency of each of his pupils, so far as this is possible, and to do his best to correct what requires correction, to encourage what

merits encouragement and to secure a feeling of confidence and sympathy between himself and every pupil under his charge.....I hope you will not suppose, if any of you have ever had this persuasion, that your education is completed. It is only beginning, you cannot completely learn your civic duties in books, however sedulous you may be, nor in the society of your contemporaries, nor even from the instruction of your tutors. You can only learn them after many struggles and disappointments in the world of men and affairs." I believe I have sufficiently proved the golden and sterling opinions of eminent educational experts and statesmen that it is not the residential university but it is *the diffusion of education in commonalty, the homelife, the parent, the teacher, the practice in doing, the exchange and discussion of thoughts between student and student, the many struggles and disappointments in the world of men and affairs and last but not least the higher ethical and spiritual ideal that aim at the development of character and moulding of thought.* It is a mistake to imagine that the residence within the four walls of a university edifice is the only way of building and lifting up the character and moulding the thought of the citizen. On the other hand a residential university has its disadvantages admits of no denial.

8 Who could say that the Indian universities have been a failure or have not fulfilled the high ends of their existence when they have produced numbers of intellectual giants. Those men were not ornamental adjuncts to the position they held, but a new field of activity and usefulness, and setting an example of unflinching devotion to duty and of statesmanlike concern in the interests of universities, of which they were such fine products. Mr. Leonard Alston said :—"There are of course a considerable proportion of Indians whose broad culture and high intellectual powers win the respect of all Englishmen." The intellectual Indians have won the respect of all Englishmen. How can "Cantab" say in the face of these incontrovertible facts, that Indians have no development of character and moulding



of thought and that it is a residential University alone that is capable of bestowing these boons ?

9. It should not be forgotten that Indians possess many virtues from time immemorial. If higher, moral and spiritual training is included in the university curriculum I am sure Indian students will be the best models of university education. I would remind your readers what Abdul Fazl had said about the character of Indians during Akbar's reign. He said :—" The Hindoos are religious, affable, courteous to strangers, cheerful, enamoured of knowledge, fond of inflicting austerities upon themselves, lovers of justice, given to retirement, able in business, grateful, admirers of truth, and of unbounded fidelity in all their dealings. Their character shines brightest in adversity. They have great respect for their tutors ; and make no account of their lives, when they can devote them to the service of God. Without compliments there are to be found in these religious men who have not their equal in any other for their godliness, and their abstinence from sensual gratifications. If any person in distress lies to them for protection, although he be a stranger they take him by the hand, and will defend him at the expense of their property, reputation and life." But expressions of opinion, of official and non-official alike, are necessarily the conclusions of very partial information, and often and often of information that has passed through very biassed channels. The men who are really competent to speak with any authority on the subject are just a handful, but every anonymous scribbler must needs have his fling at the poor Indian graduate. The fact is, the majority of critics who write and speak about university education and its effects, merely echo the sentiments which they obtain at second hand from a few who, probably with the desire to see certain existing defects remedied, lay undue emphasis on them ; and this exaggerated view is echoed and re-echoed throughout the country by the unthinking multitude. Take the criticisms of the Press, Indian and Anglo-Indian, it is the same stereotyped remarks that we notice everywhere. I would quote an extract from the Government of India

Educational Policy of 1904 from which you will see that Indians possessed the unquestionable character, morality and thought years ago to fit them for higher education. The Government of India, in paragraph 8 of the Educational Policy of 1904, said "It is almost universally admitted that substantial benefits have been conferred upon the people themselves by the advance which has been made in Indian education within the last fifty years;—and that there has been a marked improvement in the character of the public servants now chosen from the ranks of educated natives, as compared with those of the days before schools and universities had commenced to exercise their elevating influence.

10. His Excellency Lord Willingdon, Governor of Bombay, in his recent convocation address, dealt with this question the other day had exhorted the people to think imperially. Thinking imperially involves a sense of responsibility in all the citizens of the Empire to say or do nothing which will prove detrimental to the imperial ideal. It is true that the same political institutions will not suit the different conditions obtaining in the different countries forming part of the Empire. All the same, none of these countries ought to feel a sense of superiority and make others realize their alleged inferiority. Liberty and self-government is the goal and the special feature of the British Empire, and India expects that her progress towards that goal should be facilitated by the spread of primary, secondary and higher education in widest communalty and no artificial barrier be placed in her way by the stint of education. As Lord Willingdon remarked "No part of His Majesty's wide dominions is alien soil and to have a share in promoting the welfare of this great Empire is a privilege to be regarded with pride and to be undertaken with a deep sense of personal responsibility." To think imperially is a piece of advice to which we in India certainly listen with the respect due to it, but it ought to be taken to heart more by imperialists at home and by the self-governing dominions than by the Indian people. The latter are anxious to share in the

imperial responsibility, but they feel it must be accompanied by the privileges also which go with it.

11. Human nature in the East is not so very different from or so inferior to human nature in the West that the people here should be incapable of appreciating what is politically good and should hug to their bosom what is backward and in part debasing. Indians have a national self-consciousness, national self-respect and a national aspiration as much as their brethren in the West have. They, too, love their mother country. They entirely desire that their countrymen should not merely furnish for all time indentured coolies to foreign employers of labour but should be somebodies in the Councils of the Empire and in their own land and advance morally and materially as peoples in western countries have advanced. It is not only for the sake of India but in the larger and really enduring interests of Britain and the Empire, of which Britain is the head and the heart, that we respectfully hope that these considerations may be calmly and seriously pondered over by the great statesmen of the Empire.

12. I fully appreciate the spirit of the article which has been so ably written by "Cantab" who evidently had Lord Hardinge's last Calcutta University convocation address in mind when he wrote his article. Even Lord Hardinge in his address or the great English statesmen, whom "Cantab" cited as authorities, do not definitely and specifically assent that residential universities alone fulfil the needs of university students.

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# Political Work in C. P.

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## I

*(Reprinted from the 'Hitawad'—29th January 1916.)*

Nearly a month has passed since the memorable congress of 1915 placed on its records its famous Resolution on Self-Government, and it is with *utmost* feelings of gratification that one reads the reports of Madras and Bengal having already commenced to act in accordance with the recommendations of the Congress resolution. The members of the all-India Congress Committee in Bengal and Madras are making efforts to interest the people in the cause of self-government by devising means to spread educative literature among them through lectures or pamphlets or both. But C. P., I regret to say, has not yet done anything worth consideration. Nothing is more important in India at the present moment than the work of carrying on the political propaganda as laid down by the Congress resolution. Political work was never so sacred in the history of the world as it is in India to-day. For to work for political reform in India,—identical as it now is with working for the attainment of self-Government within the Empire,—amounts to nothing less than to work for the alleviation of the sufferings of millions, for the redemption of their poverty, for the saving of millions from starvation. To work for self-government is to work for the raising of the nation to self-respect and manhood, so that it might take its right place in the Empire; to work for self-government is to work for securing for India's sons their right (1) to dictate their own systems of education in place of the one dictated to by those who cannot understand the proper needs of the nation; (2) to legislate on the questions of Social Reforms which is the crying need of India, and on which it is practically impossible for the present Government to legislate for the reason that they cannot understand and appreciate the sentiments of the masses as the sons of India would do and

that any action on their part is therefore sure to be misconstrued. Self-Government would secure for India fiscal autonomy whereby she will be enabled to direct her resources to the proper channels, to develop her industries, to make her land more fertile, to provide for the free education of her children, to devise means whereby the intellectual, scientific and moral growth of the nation may be made possible. Self-government would enable India to save her children from the various injustices which they have at present to undergo in other parts of the British Empire ; thanks in the first place, to the colour of their skin and secondly, to the want of adequate protest on the part of the authorities.

2. These and many other are the reasons for which the question of self-government has become so imperative, and has the uppermost place in the minds of all right-thinking men of India. The war has vindicated the loyalty of India to the British Throne. Statesmen after statesmen in England have spoken of India as a country to be proud of and have vied with one another in declaring that India has won her right to have her right place in the Empire, and the Government of India will have to be readjusted after the war. The best and the greatest of English statesmen have times without number pronounced Self-Government as the best form of Government. Is it not then Self-Government a prize worth striving for, a "*consummation devoutly to be wished for* ?" And, if the Congress has given its unanimous consent to work for it, is it not the solemn and the pious duty of the leaders of every province to begin the work in right earnest ? And, if leaders of other provinces have already begun to move in the matter, is it not incumbent on C. P. leaders to follow their example ? What justification can there be for this spirit of inaction that has come over our energetic C. P. leaders in this hour of supreme importance ? Old age is undoubtedly telling on a few of them, and they will do well to leave the work in the hands of younger men and continue to help them with advice. They have each earned a place in the hearts of the younger gene-

ration of India because of the way they have made through complete darkness in the past, and have rendered possible the present opportunity of working more steadfastly and one-pointedly. But what about those worthies who are neither old nor young, who have earned for themselves the reputation as political leaders of C. P. ? Can they not spare more time for doing political work ? Are they justified in allowing themselves to be completely absorbed in appropriating their abilities as lawyers for the sole purpose of amassing fortunes for themselves and leave undone the work that they of their own accord have undertaken to do at this critical juncture ? I speak of many of our eminent Indian lawyers, who, if they devote only a few hours every week to this work, would certainly be able to expedite Self-Government. And they are in honour bound to do so since they have undertaken it. And if they can not act, if the temptation of making piles for themselves proves too overpowering for them to conquer, then the only alternative left for them is to educate the younger generation for self-help, self-respect and self-government and yield their places to those younger men whose high ideals more powerful and more real, whose genuine enthusiasm well directed and well-placed as it is by examples of the life and life-work of men like Sir Pherozshah and Mr. Gokhale whose fearless and untiring devotion to the mother India, whose qualities have created in them a constant longing for active service of the Mother-land notwithstanding all the sacrifices, ridicule, misunderstanding, calumny, and suffering if needs be that they might have to undergo by so doing. Younger men are numerous in C. P. ; the only thing that has hitherto kept them back from action is the respect in which they held and still hold the elderly men. To speak against, to criticise those whom they consider their elders hurt the younger men more than those against whom they speak. But between respect for the elders and duty to the Mother-land their choice must naturally fall on the latter. Between right and wrong there can be no compromise. It would be disloyalty to duty, to the Motherland, to truth herself, to

allow this phantom of respect for the elders to come in the way of the performance of their "*dharma*". Day after day the need for active work is growing.

Am I not then justified to make a fervent appeal to our C. P. leaders to make themselves more active, to realize the heavy responsibility that lies on their shoulders, to move at once the various political organizations to do active propagandist work, and finally to train the younger men for the goal of *self-government* ?

Inaction and want of continuous propaganda have been the curse of Indian political progress, and, though the Congress has not been too late in reforming itself and providing for concerted and organized plan of action, very few attempts have been noticed so far of vigorous action. It is gratifying to note one or two instances, and they give us every hope that the leaders of other provinces are awake and are stirring themselves. Within a few days of their return from the Congress, the members of the All-India Congress Committee belonging to Madras called a meeting to plan a continuous programme of work, and it was resolved to print pamphlets in English and Vernacular to educate people on self-government, as very recently pointed out by the Hon'ble Mr. P. C. Lyon at Calcutta and also to publish articles in both the English and Vernacular press on the subject. The Provincial Congress Committee has followed suit and begun work and Mrs. Besant with her usual energy and fore-sight has collected a fair sum of money for the printing of the necessary literature. Bengal also has moved in the matter, and a meeting of the Indian Association of Calcutta was held to consider the ways and means of carrying on the propagandist work. It was resolved to call a public meeting in Calcutta to explain the position of the Congress leaders with regard to self-government and the scheme which might be adopted by the All-India Congress Committee. Educative work was to be carried on by circulating pamphlet broad-cast, and by visiting mofussil towns and delivering lectures. I wonder when C. P. will wake up and follow suit ?

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# An appeal for national cause.

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( *Reprinted from the Hitawad, 29th January 1916.* )

It has become a truism among critics of Indian politics to say that the Congress has outgrown its utility and has become merely an annual demonstration of political enthusiasm. While admitting the partial truth of this reproach and not losing sight at the same time of the various benefits and advantages the organization has conferred and is still conferring to the country, I may proceed to note one or two of the chief causes that have contributed to bring about this deplorable result. Finance is an essential requisite if any propaganda, whether political or otherwise is to be carried on successfully and as our President, Sir S. P. Sinha, rightly said the most lamentable drawback in the present organization of the Indian National Congress is want of adequate permanent provision for its work both here and in England. To convert the present formal three days' gathering into a permanent and steady working institution with active permanent centres of work in every province and district, with a powerful organ of its own voicing its principles and ideals is a consummation devoutly wished for, and though many ardent promoters of the Congress like A. O. Hume and Sir Subramaina Iyer have repeatedly emphasised the absolute necessity of raising funds, the appeal has been made in vain. The critics of the Congress lose sight of the fact that the fault is not in the Congress but in themselves in not making it more active and successful, and a start should be made and that immediately. A board of trustees should be instituted to raise, hold and administer the funds raised from a permanent body of subscribers in each province, so that in the words of the President, the Congress " may be a fertilising stream of steady effort fed by the spirit of service and sacrifice and spreading far and wide the blessings of peace and prosperity." The Congress is and will remain the supreme national body to



voice forth the national claims and grievances whatever other organizations, whether subordinate to, or independent of it, may come into being with similar objects in view, and it should be well financed if it is to be a body of real dignity, force and utility as benefiting a great country like India. I therefore appeal to the patriotic brethren of my province to contribute a substantial sum towards the stability of this national movement. I also appeal to the wealthy, generous, liberal and magnanimous hearted gentlemen of this province to collect a permanent fund towards this national cause.

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# Development of Indian Industries.

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( *Reprinted from the Hitawad, 15th February 1916.* )

Representations have reached the Government of Bombay from time to time that measures are necessary to ensure that Indian industry should be able to take advantage of the opening created by the war and that Indian manufacturers should have a fair chance of competing successfully in the supply of articles hitherto obtained from Austria and Germany. As a result of these representations an informal meeting was recently held at the Council Hall, Poona, of representatives of Government and leading commercial men of the different communities. In consequence of opinions elicited at this meeting His Excellency the Governor in Council has decided to appoint a Standing Committee of Advisors on this particular subject to be constituted as follows:—

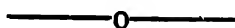
Two members to be nominated by the Chamber of Commerce. Two members by the Millowners' Association. Two members by the Indian Merchants' Chamber and Bureau. One member by the Ahmedabad Millowners' Association. The two remaining members and the Secretary will be nominated by Government.

The functions of the committee will be to examine projects and suggestions submitted to it, advise as to their practicability and the extent to which they need Government support and generally collect and co-ordinate information on all subjects connected with the furtherance of indigenous industry.

May I ask what the standing committee appointed by the C. P. Government has done as regards this particular subject, to frame projects and start new Industries with Government support ?

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# Government and the Industrial Development of India.



( *Reprinted from Nagar and Berar Times—20th March 1916* )

This is no new subject so far as we are concerned, for times without number have industrialists in the columns of the press dealt with from the Indian point of view. I would again urge on the Government to tackle the all-important question of India's industrial development in a spirit of fairness and sympathy. I have pointed out that without the active encouragement and help of the Government there can be no shadow of a chance of success. It is said that the British Government would not interfere with the free course of trade, but that all it could do is to furnish a little information here and there and afford a little sympathy. Of course, I need hardly say that these are not actual words, but this is the spirit in which the question has been approached by the rulers. When the present war broke out the Indian press unanimously prayed the authorities that since the German and Austrian imports had been prohibited from entering India, it was just the time when a serious attempt should be made to revive and resuscitate dying and dead industries and establish new ones. So urgent and so reasonable was the appeal that the Government could not altogether ignore it. Thus, in pursuance of the usual practice of the Indian Government, surveys and investigations by a few highly paid European officers were undertaken. It was only the Government of Madras which showed any tangible and practical interest in the subject. At last, a little advance has just been made by the establishment of a commercial Museum at Calcutta. Surely this should have been done at least ten years back. But as we all know, the machinery of the Government in India moves slowly. It is as much on the score of this slight advance as on account of a veritable miracle that has come to pass, that I revert to this question

after all that need be said having been said about it by eminent Indian Industrialists. This miracle—I will not ask the public to guess—is the appearance of an article in the *Englishman* of Calcutta. There is not perhaps a single person who has not been taken wholly by surprise by this article. Indeed, if it had not appeared in the *Englishman*, one might have staked his reputation in pronouncing it to be the production of a fervent patriot. If, however, our astonishment is greater, our gratitude to the *Englishman* is far greater still. I thank the *Englishman* from the bottom of my heart for having so ably and forcibly placed the Indian case before the rulers and the world besides. To give the public of these provinces an idea of what the article is like, I quote:—“It (the Museum) is into resting and in some respects full of promise, and it shows that the material and the workmanship are ready to hand if proper use could only be made of them; but the range of articles of Indian manufacture exhibited is not so great as one would have expected to see in an exhibition representative of the industries of a country of such great wealth and resources and of so many inhabitants. The truth is, of course, that the resources of India have never been properly developed and that the wealth and the labour of the land have never been properly used. India, like many other countries, lives in expectations of a great industrial awakening when the war is over. It is a perfectly legitimate expectation and one in which India, with her vast natural resources, has more claim to indulge than most countries. But it will never be realised unless there is a radical alteration in the policy of the Government of India in regard to trade and commerce, and the encouragement and promotion of Indian industries. The foolish old doctrine of non-interference with trade is almost, if not quite, dead. We trust it will be finally buried with Prussian militarism. Even that hide-bound Free Trader, the “Manchester Guardian,” acknowledges that it will be impossible in future to leave trade to look after itself. After the loss, on account of our Free Trade policy chiefly, of industries essential to our national existence the Govern-

ment must take measures to protect and foster trade in general and special industries in particular. If this is true of the United Kingdom it is very much true of India, where industries will never be built up while the Government stands aloof from industrial development and while its general attitude towards trade questions is distinguished for a good deal of ignorance and a striking absence of sympathy." Now, this is what the Indians have been trying to impress on our rulers for several years past. I admit there need be no dearth of capital; but capital is, and must be, shy so long as the Government does not choose to extend its right hand of whole-hearted sympathy towards a policy of temporary protection. If active encouragement and real zeal for the promotion of industries were evinced by the Government, India would, in a few years, be in a position not only to help herself but compete on equal terms with all comers. It is a matter of common knowledge that while India has an open door for all, the strangers who come to make money have been strengthened and fattened by subsidies and protection from their own Governments. Speaking of protection, I am reminded of what His Excellency Lord Carmichael said in his speech on the occasion of the opening of the Calcutta Museum. He said that if foreign competition was a serious obstacle in the way of small industries the extinction of enemy trades had provided some sort of practical protection. Like ourselves the "Englishman" questions the usefulness of the practical protection and says:—"We are afraid His Excellency rather exaggerated the value of the *Protection* now enjoyed. The war is not going to last always, and it would be a poor look out for the man who built a factory with money borrowed at the high rates of interest now prevailing, if at the end of the war, he were subjected, as in the past, to the full force of foreign competition. There is no real protection to-day. There is a temporary absence of competitors and there is no guarantee that they will not be allowed to return with all their privileges when the war is over. Full advantage cannot be

taken of the present circumstances because nobody knows what will happen after the war, and the Government of India, probably because it does not know itself, gives no hint regarding its future policy." This is exactly what the Indian papers have said in the past. As for what need be done the *Englishman* says and very rightly too :—" Let us thankfully accept the commercial Museum as some indication that trade is not going to be entirely neglected. But let not the Government think that even a commercial Museum in every city will bring about the industrial awakening that India is eagerly looking forward to. Definite and substantial encouragement must be given to local industries. Every year large indents are sent to Europe for stores, &c. required by the Government of India. The value of the orders placed at Home has long been a matter of complaint amongst the firms that manufacture the same articles in India. The price may be a little higher and the quality may not always have been so good, though this is every year becoming less true because the Engineering firms in Calcutta can now manufacture goods equal to the best Home quality. But even if there were small differences against the Indian manufactured article, they ought not to outweigh the great necessity of encouraging local industries. And if the Government, which is the biggest customer, does not give local industries the fullest support in its power, how can it expect these industries to thrive and to multiply on the patronage of private firms ? It should be the special duty of the Government officers who make out indents for stores to enquire in the first place whether the stores required can be obtained in India and if not to find out the reason why, so that their future manufacture here may be properly encouraged. In many ways the Government can give more active assistance than it gives to-day. Japan furnishes a very striking example of an eastern commercial nation built up by active Government assistance. Japan had advantages which India does not enjoy, but there is no reason why India with all her wealth and resources should not become industrially the equal of Japan if the Govern-

ment approaches questions of trade with greater sympathy and tries to look at the problems of industrial development from the point of view of the trader and the manufacturer—which is the right point of view to look at them from if it wishes to make India a prosperous manufacturing country." Since the above appeared in the "Englishman" I have read of the Madras Government evincing practical sympathy with the Indian desire of promoting industries. I hear that it has sanctioned a substantial sum for the building up of pencil industry. This is as it should be. Not only should there be museums at all large centres but the Government should come forward to offer all possible help in the shape of facilities, encouragement and patronage to Indian industries.

In the course of his address read before the annual general meeting of the United Provinces Chamber of Commerce the Hon'ble Rai Bahadur Munshi Prayag Narayan Bhargava, President of the Chamber, observed:—"It is impossible that the United Kingdom will give by sticking to her policy of free-trade the same chance to Germany and other countries for getting hold not only of the Indian market but as has already been seen, of exercising a commercial sway in her own territory with regard to several important manufactures. If she did it would mean nothing less than suicide. There must, therefore, take place a substantial modification of her policy of international trade and commerce. In fact there is already an influential body of opinion in favour of preferential tariffs, a half-way house to protection. The voice of the Indian community must be united in order to be strong to influence the policy and actions of the powers that be. Referring to State aid to industries, he expressed his disappointments at the result of Government efforts in that direction. Government should give us more substantial help. The Japanese Government had promised the grant of large subsidies to firms with a certain amount of capital that will specialise in manufacture of (1) dye-stuffs, (2) glycerine and carbolic acid and (3) drugs. The Japanese Government guaranteed these com-

panies a dividend of eight percent per annum. That was a kind of aid the Indian industries required. They hoped that with the change of policy in the United Kingdom there would also take place a corresponding change in the attitude of the Indian Government with regard to Indian industries. The Hon'ble Rai Bahadur Lala Bishamuhar Nath, Vice-President of the Chamber, referred to the constitution of the Board of Industries of the United Provinces and said :— "As you all know, it consists mostly of nominated members only, a few of them being Indians. Would it not be better if it were re-organised on the lines of the Bombay Industrial Advisory Committee, where the majority of the members are Indians ? As I suggested in your issue of the 19th February 1916, the public of these provinces should also be allowed to send elected representatives to serve on the board which must be hereafter organised on the lines of the Bombay Industrial Advisory Committee, where the majority of the members are elected Indians.

I would particularly emphasise the question of State assistance. The British Cabinet has already initiated a far-reaching policy in the matter. Grants have been given for benefit of special industries, for the organisation of systematic associations and companies, and also syndicates engaged in large industries, such as the sugar and tobacco industries. May we not hope that the Government of India and the C. P. Government will follow suit. Under the fiscal regime, which has ended, India was supposed to be wedded to an incorruptible policy of *laissez faire* because England was committed to alike policy. I need not pause to inquire into the justice or fairness of an assumption so radically opposed to commonsense. What is one man's food may be another man's poison. England flourished under Free Trade; India has suffered an industrial eclipse, or rather paralysis. Be that as it may, India is entitled to ask that what England is prepared to do now to stimulate industrial development in one of the most industrially developed states of modern times should also be done for India, so little developed industrially.



It is sincerely to be hoped that with the advent of a new Viceroy a happier change will come over the administration in this respect, especilly as it is almost certain that with the growth of industries and trades the revolutionary propagandists are sure to get less and less recruits for their fell designs. It is hence a question of as much of political as of economical interest and significance. It is hoped that our new Viceroy will approach this problem immediately and in a spirit of sympathy.

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# The C. P. Tenancy Amendment Bill.

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1. The Select Committee's Report on the C. P. Tenancy Amendment Bill has been re-published in the "C.P. Gazette" dated the 18th March 1916, and the Bill will be taken up and passed at the meeting of the Legislative Council, which will be held in August next. Apparently Government adhere to their original proposals, and see no reason to abandon the Bill, even in the light of recent expression of public opinion. The question involved is one of grave moment ; and nothing can be more unfortunate than the haste and precipitation with which the authorities seem resolved to rush the measure through.

2. As now recast by the Select Committee, the amending Bill appears to ignore private rights in land. This seems unjust. The land-holders of various classes and denominations throughout this Province have right of property in the soil and have been held to be proprietors in the proper sense of the term. Vyavahara Mayukha Chapter 4, section 1. 8 ; Stokes' Hindu Law Books, page 44. The amending section 61 A has been so framed as to give the idea that private ownership in land does not exist in this province. It is amply borne out by the provisions of the Tenancy Act of 1883 that land-holders did possess a right of property in the soil.

3. Baden Powell has pointed out that until a comparatively recent date, and except during a comparatively short period of anarchy and unsettlement previous to British rule, the feudal conception that the Sovereign is the ultimate lord and proprietor of all land was one unknown to the rulers and people of this country. Manu says that a field belongs to him who first tilled and cleared it. Coming to the Mahomedan law the author of the Hedava has adopted the same rule as the law of Manu asserts.

4. It is this theory of proprietary right in the land which has been from time to time embodied and confirmed

in the resolutions and despatches of Governors-General and Indian Secretaries of State. And now the abandoned and discredited theory of State landlordism is quietly and indirectly revived and the Bill assumes and proceeds upon it as an uncontroverted and incontrovertible principle. The theory of sole State landlordism was not as old as the sun and moon and the stars.

5. The New Tenancy Amendment Bill and the absence of dissentient note of any of the non-official members of the Select Committee on this Bill clearly indicate that not only the authorities of our province but the non-official members are apparently strenuous upholders of the theory that the State is the proprietor of the soil and the land revenue it levies is not tax but rent. This theory, however, of state landlordism is again opposed to two distinct and authoritative declarations on the point. There is first, a despatch of the East India Company's Court of Directors, dated the 17th December 1856, and secondly, we have the despatch of Lord Lytton's Government to the Secretary of State, dated Simla, the 8th June 1880, which emphatically repudiate the doctrine of State proprietorship and affirm the principle that land assessment is revenue and not rent.

6. Lord Salisbury, in his weighty minute on Indian Land Revenue, dated 29th April 1875, said that the present nondescript land dues should tend to the form of revenue rather than that of rent. Sir Louis Mallet and Mr. H. E. Sullivan repudiated the idea, in sufficiently strong terms, of State landlordism and declared that land assessment in India is revenue and not rent.

7. If we, however, strenuously continue to maintain the principle, so authoritatively laid down in the Court of Directors' despatch of 1856 and subsequently reaffirmed in the despatches of Sir C. Wood in 1862, 1864, and 1865, of Sir Stafford Northcote in 1867 and of Lord Lytton's Government in 1880—that the assessment on the Land is revenue only, not economic rent, and that land throughout the country is private property, subject to the payment of such revenue, there will be no disposition on the part of our land

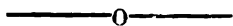
revenue Administration—as there appears to be in some quarters—to enhance its demands upon the land more and more to a ruinous level—out of all proportion to fiscal necessity and without a proper regard to an equitable distribution of the burdens of taxation as between the landholding and other classes.

8. And it will be recognized that the malguzar in the Central Provinces, whatever system or mode of land revenue settlement may be, is as much the proprietor of his Mahal as the ryot in Bombay and Madras is of his ancestral acres, the Zamindar in Bengal, or the Taluqdar in Oudh is of his ancestral estates and is entitled in legal right as in equity to like protection against rackrenting and exorbitant demands on the part of the state.

9. It is therefore confidently and fervently hoped that Government will drop the Tenancy Amendment Bill altogether.

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# Complete separation of Judicial and Executive functions in British India.



( *Reprinted from Hitawad-25 February 1916.* )

1. The question of the separation of judicial from executive duties is almost as old as the British Empire in India. It is well known that after the grant of the Dewani in 1765 A. D. to the East India Company the administration of criminal justice was left in the hands of the Mahomedan officers appointed by the Nawab Nazim of Bengal, Bihar and Orissa. By a resolution of the Governor General in Council, dated the 6th April 1781 (see Colebrooke's supplement page 130) some powers with respect to the administration of criminal justice regarding apprehension of persons charged with dacoity and other crimes attended with violence were transferred to the judges of the Civil Courts. The union of the offices of Judge, Magistrate and Collector was however introduced for the first time in 1787 in pursuance of the instructions of the Court of Directors brought out by Lord Cornwallis at the time of his appointment. In a well known Minute Sir John Shore, who advocated this system, observed as follows :—

“ People accustomed to a despotic authority should look to one master. It is impossible to draw a line between the revenue and the judicial departments to prevent them from clashing ; and in this case either the revenues must suffer or the administration of justice must be suspended ”.

2. Lord Cornwallis, however, after gaining some experience of the country, was satisfied that the result of this system would be to sacrifice the administration of justice to the supposed fiscal interest of the Government. With his characteristic statesmanship and singular sagacity he

determined to vest the duties of collection of revenue and administration of justice in separate officers. He accordingly abolished the Moal Adalat, a (Revenue Court) and withdrew from the Collectors of revenue all judicial powers. So long ago as 1793 the Government of India, under Lord Cornwallis, recognized the dangers arising from the combination, in one and the same officer, of revenue with judicial duties. It is pointed out by section 1 of Regulation II of 1793 passed in Lord Cornwallis' time in clear and unequivocal language that the combination of these two functions was extremely undesirable.

3. By the system so introduced by Lord Cornwallis in 1793 the duties of Judge and Magistrate were united in the same officer and the collector was deprived of all judicial powers. This system continued till 1821 when a permissive Regulation 4 of 1821 was passed empowering the Governor General in Council to invest a Collector with the powers of a Magistrate or joint-Magistrate, and to invest a Magistrate with the powers of a Collector. Doubts were raised as to the validity of this arrangement and we find that in 1825 Regulation 5 of that year was passed to validate what had been done and to empower the Governor-General to make similar arrangements thereafter when expedient. By section 2 of Regulation 7 of 1831 the Governor General in Council was further empowered to invest the Zilla or City Judges with full powers to conduct the duties of the Sessions. The union of the offices so introduced continued for a few years. The Collectors were so over-worked with their legitimate duties as revenue officers that the duties of the office of the Magistrate were sadly neglected. In 1837 Lord Auckland procured the sanction of the Court of Directors to the separation of the two offices which was gradually effected in the course of the following eight years. In 1859, however, (see Despatch No. 13 of the 14th April 1859) the offices of Collector and Magistrate were again united as a temporary measure. In the meantime in the year 1838 a committee was appointed by the Government of Bengal to draw up a scheme for the more

efficient organisation of the Police. The Committee consisted of Mr. F. J. Halliday (afterwards Sir F.J. Halliday who subsequently became Lieutenant-Governor of Bengal and Member of the Council of the Secretary of State). Mr. W. W. Bird and Mr. J. Lewis, Mr. Halliday drew up an important Minute and Messrs. Bird and Lewis approved of Mr. Halliday's views as expressed in that Minute. In that Minute Mr. Halliday pointed out in the forcible language the extreme undesirability of combining the duties of Judge, Sheriff, Justice of the Peace and Constable in the same person. He characterised such combination as absurd as well as mischievous. He pointed out further that a Magistrate ought to have no previous knowledge of a 'matter with a which he had to deal judicially. He said "The union of Magistrate with Collector has been stigmatised as incompatible, but the junction of thief-catcher with Judge is surely more anomalous in theory and more mischievous in practice. So long as it lasts, the public confidence in our criminal Tribunals must always be liable to injury and the authority of justice itself must often be abused and misapplied and the power of appeal is not a sufficient remedy—the danger to justice, under such circumstances, is not in a few cases, nor in any proportion of cases, but in every case. In all, the Magistrate is constable, prosecutor and Judge. I consider it then an indispensable preliminary to the improvement of our system that the duties of preventing crime and of apprehending and prosecuting offenders should, without delay, be separated from the judicial function".

4. Quite a distinguished galaxy of Anglo-Indian Statesmen have expressed the same view, including such men as Sir C. Cecil Beadon, Sir John Peter Grant and Sir Bartle Frere. The two former rose to the position of Lieutenant-Governor of Bengal; the latter completed a distinguished Indian career by becoming Governor of Bombay. In 1854 Mr. C. Beadon, Secretary to the Government of Bengal, in a letter to the Government of India, also pointed out the desirability of the separation of the Executive from judicial functions. In the same year the Hon'ble Mr. (after-

wards Sir) J. P. Grant, as a Member of the Imperial Council recorded a Minute to the effect that the combination of the duties of the Superintendent of Police, Public Prosecutor and Criminal Judge was objectionable in principle and the Government ought to discuss as soon as possible the function of Criminal Judge from those of thief-catcher and Public Prosecutor, now combined in the office of the Magistrate.

5. In September 1856 a Despatch of the Court of Directors of the East India Company (No. 41, Judicial Department) on the reorganization of the Police in India pointed out that "to remedy the evils of the existing system, the first step to be taken is, wherever the union at present exists, to separate the police from the administration of the land revenue...In the second place, the management of the police of each district should be taken out of the hands of the Magistrate."

6. In 1857 the Hon'ble Mr. J. P. Grant again recorded a Minute denouncing the union of the function of Superintendent of Police with those of a Criminal Judge and that eminent judge and erudite lawyer Sir Barnes Peacock agreed with the views of Mr. Grant. In that Minute Sir J. P. Grant observed :--

"In what way is crime more certainly discovered, proved and punished, and innocence more certainly protected when two men are occupied each] as thief-catcher, prosecutor, and judge or when one of them is occupied as thief-catcher and prosecutor and the other as Judge? I have no doubt that if there is any real difference between India and Europe in relation to this question, the difference is all in favour of relieving the Judge in India from all connection with the detective officer and prosecutor. The Judicial ermine is, in my judgment, out of place in the bye-ways of the detective policeman in any country, and those bye-ways in India are usually dirty. If the combination theory were acted upon in reality, if an officer after bribing spies, endeavour in to corrupt accomplices, laying himself out to hear what every tell-tale has to say, and putting



his wit to the utmost stretch, for weeks perhaps, in order to beat his adversary in the game of detection, were then to sit down gravely as a Judge and were to profess to try dispassionately upon the evidence given in court the question of whether he or his adversary had won the game, I am well convinced that one or two cases of this sort would excite as much indignation as would save me the necessity of all argument *a priori* against the combination theory". These are not the words of an irresponsible critic but a responsible English official who had worked his way up to a very high rung of the official ladder and who was presumably familiar with the system he was criticising. His official position as well as the occasion of the Miunte must have led him to weigh every word he wrote and yet no condemnation of the system he was criticising could be stronger than this. Mr. Grant thought that one or two cases of this sort would excite such indignation, as would save him the necessity of all argument *a priori* against the combination theory. In this perhaps he was too optimistic. Perhaps the age in which he lived and official ethics of those days lent itself to such optimism. But also, to the misfortune of the Indians and to the fair name of British justice such instances have occurred not once or twice but so repeatedly that the public has now almost ceased to take an interest in such cases. Time there was when each fresh case of this nature caused a wild outburst of public indignation but there have been so many of these cases that the public has grown callous and perhaps has come to look upon such cases as an ordinary incidence of existence in India. Is such a state of things conducive to the best interests of the British Empire in India perhaps the officials of the present day who have presumably grown wiser than those statesmen and far-sighted administrators who built the empire condescend to answer the question.

7. To resume the thread of our historical examination of the question we find that in 1860 a Commission was appointed to enquire into the organisation of the police. Mr. M. M. Court, C. S., N. W. P. Mr. S. Wanchope, C. B. C., S. Bengal, Mr. W. Robinson, C. S., Inspector General of

Police, Madras, Sir R. Temple, C. S., Punjab, Lt. Col. Bruce C. B., Bombay Army, Chief of Police, Oudh and Lt. Col. Phayre, Commissioner of Pegu were the members of the Commission. The members represented all the Provinces of India and in the words of Sir Bartle Frere were all men of ripe experience, especially in matters connected with Police. In this report the Police Commission stated that as a rule there should be complete severance of Executive police from Judicial authorities and the official who may be in any way connected with the prosecution of any offence or the collection of evidence should never sit in judgment—not even with a view to committal for trial before a higher tribunal. The report however went on to add that as a matter of practical and *temporary convenience* in view of the constitution of the official agency then existing in India an exception should be made in the case of the District officer, but they were careful to point out that such combination was open to the same objection on the question of principle, but that the principle should be temporarily sacrificed to expediency. They looked forward to the time when improvements in organisation would in actual practice determine this combination even in the District Officer. for the present however the exigencies of the situation merely enabled them to *make this departure from principle less objectionable in practice* by making the exercise of the respective functions departmentally distinct and subordinate to its own officers.

8. The recommendations of the Police Commission were adopted by the Government of India and when Sir Bartle Frere introduced in the Legislative Council in the year 1860 the bill which ultimately became Act V. of 1861 some very interesting discussions took place. The discussions show that the Government of India regarded the exceptional union of Judicial with Police functions in the District officer as a temporary compromise. Sir Barnes Peacock, the Chief Justice of Bengal, from his place as the Vice-President of the Council, stated that he had always been of opinion that *a full and complete separation*

ought to be made between the two functions. The Hon'ble Mr. Scones described the bill as a *half and half measure* and the Hon'ble Sir Bartle Frere assured the Hon'ble Mr. Scones that nobody was more inclined than he to make it a whole measure if only the Executive Government could be induced to support a measure that would effect as still more complete severance of the Police and Judicial functions than what the bill contemplated and promised that at no distant period the principle would be acted upon throughout India as completely as his Hon'ble friend desired.

9. As regards the cognate question of the training of judicial officers the High Court in various administration reports of the sixties (notably in those of 1864, 1865, 1867 and 1869) expressed its dissatisfaction with the existing system and various District officers, Divisional Commissioners and other high officials admitted in official correspondence that the present system of training of Judicial officers was certainly defective and reform was urgently necessary.

Mr. H. L. Dampier observed as follows :—“I am convinced that the only true and lasting solution of the difficulty is a complete separation of Judicial and executive duties.”

This question constantly came up for consideration by the Government and the various high officials and the generally accepted opinion was that the existing system should be changed. Limitations of space preclude me from discussing this question in any greater detail but I beg to refer to the Despatch No. 11 of the 10th January 1868 with enclosures from the Secretary of State and the opinions thereon of the different Government officials.

10. After all this strongly expressed official opinion, one would have expected that the temporary compromise and half- and- half measure of Sir Bartle Frere introduced in 1860 would soon be remedied. India however is a land of surprises and it is no unusual thing for us in India to find that instead of advancing with the advance of times the hand of progress is often set back especially when some important

question is taken up by a high official with reactionary ideals. The word of hope which was spoken to the ear by such eminent officials as Sir J. P. Grant, Sir Bartle Frere, Sir Barnes Peacock, Sir Henry Summer Maine, and last but not least Sir William Markby was destined to be broken to the heart by that reactionary of Sir Fitz James Stephen to whom India owes so much of her reactionary legislation and reactionary methods of Administration. Unfortunately for India at the psychological moment when the hope expressed by Sir Bartle Frere was about to be fulfilled at any rate, could easily have been fulfilled in 1872 when the second code of Criminal procedure was passed. But the Government and the Legislature of the day were still under the dominion of the fallacy that all power must be centred in the District Magistrate, and the opportunity of applying the sound principle for which Sir Bartle Frere had contended was unfortunately rejected. In 1882 the code of Criminal Procedure was further revised and the Select Committee, in their report on the Criminal Procedure Bill, said, "At the suggestion of the Government of Bengal, we have omitted section 38, conferring police powers on Magistrates. We consider that it is inexpedient to invest Magistrates with such powers, or to make their connection with the police more close than it is at present." Since then the question has again and again come up before the public in consequence of instances of miscarriages of justice with which I need not trouble your readers.

11. The late Mr. Manmohan Ghose brought out two excellent pamphlets, in one of which (published in 1896) he collected 20 typical cases from 1876 to 1894 which forcibly demonstrate the evils of the present system. The late Mr. R. C. Dutt published in the year 1893 an excellent scheme of separation of the judicial from executive duties, and it was mainly through the exertion of those two distinguished Indians that the question was kept before the public both in England and in India. It was also through the exertion of these two gentlemen that opinions of several distinguished retired Indian Chief Justices and High Court

Judges were collected and published. Statements favourable to the scheme of separation from Lord Hobhouse, Sir Richard Garth, Sir Richard Couch, Sir John Budd Phear, Sir William Markby and Sir Raymond West were published in the columns of India. Ultimately in 1899, a very important memorial was addressed to the Secretary of State for India, Lord George Hamilton, by a number of distinguished Anglo-Indian judges and administrators. The memorial was subscribed by Lord Hobhouse, Sir Richard Garth, Sir Richard Couch, Sir Charles Sargent, Sir William Markby, Sir John Budd Phear, Sir John Scott, Sir William Wedderburn, Sir Ronold Wilsor and Mr. H. J. Reynolds. Nothing came of this memorial beyond a pious expression of hope that the needful would be done at some future time. Questions were often asked in Parliament as also in the Legislative Councils of India. Vague and indefinite promises of reform were often held out, but nothing definite was done.

12. It would be easy to multiply expressions of authoritative opinion in support of the proposed reform. But, in view of the opinions already cited, it may be enough to add that, in a debate on the subject which took place in the House of Lords on May 8th, 1893, Lord Kimberley, then Secretary of State for India, and his predecessor, Lord Cross showed their approval of the principle of separation in no ambiguous terms. Lord Cross said, on that occasion, that it would be, in his judgment, an excellent plan, to separate judicial from executive functions, and that it would result in vast good to the Government of India. It was in the same spirit that Lord Dufferin, as Viceroy of India, referring to the proposal for separation put forward by the Indian National Congress, characterised it as a "*Counsel of perfection.*" Among other important indications of opinions prevalent in India, I beg to refer you to the series of resolutions adopted by the Indian National Congress which Lord Lansdowne, as Viceroy, referred to in 1891 as a "*perfectly legitimate movement*" representing in India "*what in Europe would be called the more advanced Liberal party*". In 1896 the Congress adopted a resolution record-

ing "an expression of the universal conviction that a complete separation of executive and Judicial functions has become an urgent necessity." and urging the Government of India "effect this separation without further delay;" Similar resolution were carried in 1887, and 1888, and the proposal formed in 1889, 1890 and 1891 the first section of an "omnibus" resolution affirming the resolutions of previous congresses. In 1892 the congress again carried a separate resolution on the question, adding to its original resolution a reference to "the serious mischief arising to the country from the combination of judicial and executive functions. In 1893 the resolution carried by the congress was as follows:—

"That this Congress, having now for many successive years vainly appealed to the Government of India to remove one of the gravest stigmas on British rule in India, one fraught with incalculable oppression to all classes of community throughout the country; now hopeless of any other redress, humbly entreats the Secretary of State for India to order the immediate appointment, in each province, of a committee (one half at least of whose members shall be non-official natives of India, qualified by education and experience in the workings of the various courts to deal with the question) to prepare each a scheme for the complete separation of all judicial and executive functions in their own province: with as little additional cost to the State as may be practicable and the submission of such schemes, with the comments of the several Indian Governments thereon to himself, at some early date which he may be pleased to fix."

A similar resolution was carried in 1894, 1895, and 1896. During the period from 1897 to 1914 this question was well kept in the forefront of its deliberations and also practical schemes for separation have been laid before the Congress.

13. The question received an added impetus, when Sir Harvery Adamson, the then Home Member, in his budget speech, delivered on the 27th March 1908, promised to effect a separation of judicial and executive duties in Bengal

and in Eastern Bengal and formulated a scheme for the purpose, but even that scheme has not been carried into effect. The scheme formulated by Sir Harvey Adamson is however defective in many respects and will hardly form an effective remedy of the defects of the existing system. It is useful however as an admission by responsible executive official that separation is needful. The pronouncement of Sir Harvey Adamson is as follows :—

“ I fully believe that subordinate Magistrates very rarely do an injustice wittingly. But the inevitable result of the present system is that criminal trials, affecting the general peace of the district, are not always conducted in that atmosphere of cool impartiality which should pervade a Court of Justice. Nor does this completely define the evil, which lies not so much in what is done, as in what may be suspected to be done ; for it is not enough that the administration of justice should be pure ; it can never be pure ; it can never be the bedrock of our rule unless it is also above suspicion.

14. I do not think it is possible to add to the force and eloquence of these words. I therefore claim that we have a vast body of official testimony coming from the officials of the highest eminence, impregnated with a lofty sense of their responsibility as Members of the Great Government in support of the principle underlying the reform which I have ventured to place before the public of these provinces. Not only that, we have passed the stage of discussion ; we are about to enter upon the stage of action. On this occasion Sir Harvey Adamson declared that the Government of India had definitely decided to introduce the reform, it may be a cautious and tentative way ? I will quote his words. He said :—“ The Government of India have decided to advance cautiously and tentatively towards the separation of judicial and executive functions in those parts of India where the local condition render that change possible and appropriate.”

The Local Governments take their cue from the Supreme Government. The question is when is that reform to be

introduced in these provinces? We have waited long enough; how much longer are we to wait? It was time that the deliberation of Government should bear fruit in some practical scheme inaugurating this system.

15. I shall refer to a case not very long ago disposed of by the Chief Court of Burma known as the 'Kirwan Murder case.' The Statesman, an Anglo-Indian Newspaper which until the announcement regarding the change of capital, was one of the greatest exponents and most capable supporters of existing institutions, in noticing this judgment observed :—

“ The Chief Justice of Burma here indicates that had the superior police been capable and firm the case would not have been sent before a Magistrate. But it is equally clear that if the Magistrate had been a trained lawyer accustomed to weigh evidence dispassionately and carefully, the case would have gone no further. It is certain, moreover, that if the Sessions Judge had performed his duties satisfactorily, he would have dismissed the charge with a severe rebuke to the police. The same thing may be said of scores of cases which come before the High Courts on appeal. The appeals would be quite unnecessary if we had Magistrates and Judges who had been trained for Judicial work. *Hence the separation of Judicial and Executive functions, and the special officers, must be regarded as essential to the reform of the police.*”

16. At present these two functions are to a great extent combined in India, especially in the case of the officers who in the Districts of Regulation Provinces are known as Collector-Magistrates, and the non-Regulation Provinces are known as Deputy Commissioners. The duties of these officers are thus described by Sir W. W. Hunter :—

“ As the name of Collector-Magistrate implies, his main functions are twofold. He is a fiscal officer, charged with the collection of the revenue from the land and other sources; he is also a revenue and criminal judge, both of first instance and in appeal. But his title by no means exhausts his multifarious duties. He does in his smaller local sphere all that the Home Secretary superintends in England, and a



great deal more ; for he is the representative of a paternal and not a constitutional government. Police, jails, education, municipalities, roads, sanitation, dispensaries, the local taxation, and the imperial revenues of his District, are to him matters of daily concern." It is submitted that, just as Lord Cornwallis's Government held a century ago that the proprietors of land could never consider the privileges which had been conferred upon them as secure while the revenue officers were vested with judicial powers, so also the administration of justice is brought into suspicion while judicial powers remain in the hands of the detective and public prosecutor.

17. The grounds and arguments which have been advanced of late years by independent public opinion in India to effect a full and complete separation may be summarized as follows :—(1) That the combination of judicial with executive duties in the same officer violates the first principles of equity, (2) That while a judicial officer ought to be thoroughly impartial and approach the consideration of any case without previous knowledge of the facts, an executive officer does not adequately discharge his duties unless his ears are open to all reports and information which he can in any degree employ for the benefit of his District ; (3) That the executive officers in India, being responsible for a large amount of miscellaneous business have not time satisfactorily to dispose judicial work in addition ; (4) That, being keenly interested in carrying out particular measure, they are apt to be brought more or less into conflict with individuals, and therefore, that it is inexpedient that they should also be invested with judicial powers ; (5) That under the existing system Collector-Magistrates do, in fact, neglect judicial for executive work ; (6) That appeals from revenue assessment are apt to be futile when they are heard by revenue officers ; (7) That great inconvenience, expense, and suffering are imposed upon suitors required to follow the camp of a judicial officer who, in the discharge of executive duties, is making a tour of his District ; and (8) That the existing system not only in-

volves all whom it concerns in hard-ship and inconvenience but also, by associating the judicial tribunal with the work of the police and of detectives, and by diminishing the safeguards afforded by the rules of evidence, produces actual miscarriages of justice and creates, although justice be done, opportunities of suspicion, distrust and discontent which are greatly to be deplored.

18. The trial in Indian courts of justice of every grade must be carried out in the English method, and the judge or magistrate must proceed to his decision upon the basis of facts to be ascertained only through the examination and cross-examination before him of eye-witnesses testifying each to the relevant facts observed by him, and nothing more. It is not necessary for me to dwell on the importance of this procedure, nor is it too much to say that with this system of trial no judicial officer can efficiently perform his work otherwise than by close adherence to the methods and rules which the long experience of English lawyers has dictated, and of which he can not hope to acquire a practical mastery, unless he makes the study and practice of them his serious business. In other words it is essential to the proper and efficient and I might add, impartial administration of justice that the judicial officer should be an expert specially educated and trained for the work of the court. "The court of justice," says Manu, "is a sacred temple, the judges presiding over it are, though men, humble instruments in the hands of an unseen deity who influences their judgments in the interests of truth, and those who enter this holy edifice with unholy thoughts or desecrate it with unworthy actions, are traitors to their God and Country." Justice Sir Mutusamy Iyer said :—"Those of you who may rise to the Bench should recollect that the power you may be called upon to exercise in the name of your Sovereign is, according to another of your ancestors, a power divine. You should never be hasty or impulsive and thereby shut out even the faintest ray of light from forensic discussion. You should never heed any appeal to your passion or frailty and never allow your attention to stray from the legal

points of a case either amidst violent declamation or pathetic appeals, and always see, before you pronounce your decision that the responsibility rests not with you individually, but either with the law-giver or with the science of jurisprudence. "

19. But the present system is not merely objectionable on the ground that from time to time it is, and is clearly proved to be, responsible for a particular case of actual injustice. It is also objectionable on the ground that so long as it exists, the general administration of justice is subjected to suspicion, and the strength and authority of the Government are seriously impaired. For this reason it is submitted that nothing short of complete separation of judicial from executive functions by legislation will remove the danger. Something perhaps, might be accomplished by purely executive measures. Much no doubt, might be accomplished by granting to accused persons, in important cases, the option of standing their trial before a Sessions Court. But these palliatives fall short of the only complete and satisfactory remedy, which is, by means of legislation, to make a clear line of division between the judicial and executive duties now often combined in one and the same officer. So long as Collector-Magistrates have the power themselves to try, or to delegate to subordinates within their control, cases as to which they have taken action or received information in an executive capacity, the administration of justice in India is not likely to command complete confidence and respect.

20. The only possible objections which, during the course of a century, have been urged against the inauguration of this system are prestige and cost. With reference to the question of prestige, I will say that indeed it is a poor sort of prestige which is associated with a system that in theory indefensible, and in practice is attended with miscarriage of justice. Such prestige is no aid to the Government ; on the contrary it is a source of weakness and embarrassment to the administration ; with regard to this question of prestige, I would again quote a convince-

ing reply that came from Sir Harvey Adamson which reads :—

“ Can any Government be strong whose administration of justice is not entirely above suspicion ? The answer must be in the negative. The combinations of functions in such condition of society, is a direct weakening of the prestige of the Executive ; The fetish of prestige, in the larger sense has been altogether discarded and no longer forms an operative part of the policy of the Government of India.” I again quote a very distinguished authority of Mr. Montague, the then Under-secretary of State for India, who Speaking at Cambridge in 1912 referred to prestige as a principle and policy which has often controlled the actions of the Government of India. He said :—“ Oh India ! how much happier would have been your history if that word had been left out of the English vocabulary ! But there you have Conservative Imperialism at its worst. We are not there, mark you, to repair evil, to amend injustice, to profit by experience. We must abide by our mistakes, continue to outrage popular opinion simply for the sake of being able to say ‘ I have said what I have said.’ I have in other places and at other times expressed my opinion freely on prestige. We do not hold India by invoking this well-mouthed word. We must uphold it by just institutions and more and more as time goes on by the consent of the Governed. ”

21. The further contention that a District officer ought to have the power of inflicting punishment because he is the local representative of the Sovereign appears to be based upon a fallacy and a misapprehension. The power of inflicting punishment is, indeed, part of the attributes of Sovereignty. But it is not, on that ground, any more necessary that the power should be exercised by a Collector-Magistrate, who is head of the police and the revenue-system than that it should be exercised by the sovereign in person. The same reasoning, if it were accepted, would require that the Divisional Commissioner, Financial Commissioner, Chief Commissioner, Lieutenant-Governor, Governor and the

Viceroy should be invested with the powers of a criminal Judge. But it is not suggested that the prestige of the Divisional Commissioner, Financial Commissioner, Chief Commissioner, Lieutenant Governor, Governor or Viceroy is lower than the prestige of a District Magistrate because he passes sentences upon guilty persons and the others do not. It is equally a misapprehension to assume that those who urge the separation of judicial from executive duties desire the suppression or extinction of legitimate authority. They ask merely for a division of labour. The truth seems to be that the somewhat vague considerations which are put forward in defence of the existing system on the ground that it is necessary to the due authority of a District officer had their origin in the prejudices and the customs of earlier times, revised, to some extent, in the unsettled period which followed the Indian Mutiny. I venture to submit that these considerations are not only groundless and misplaced, but that the authority of Government, far from being weakened by the equitable division of judicial and executive duties would be incalculably strengthened by the reform of a system which is at present responsible for many judicial scandals. Some years ago the District officer was the head of the civil judiciary in the district. We now find the District officer has no longer anything to do with Civil work. Therefore, if whatever little power in connection with judicial administration may be left to the District officer are taken away it will not in any way cause any serious loss of the prestige which he possesses to-day. If feudatory Princes, like the Mysore, Gwalior and Gaekwar, have not lost their prestige by introducing this reform in their own territories, limited in extent and surrounded by adverse and hostile circumstances, would any one seriously believe that the mighty British Lion would lose its prestige by simply trusting to two sets of servants to be in independent charge of two branches of administration ?

22. The financial objection remains, and it is upon this objection that responsible authorities appear to rely. With reference to the question of cost, I again appeal to the

authority of Sir Harvey Adamson who said the experiment may be costly, but the object is a worthy one. When Lord Dufferin described the proposal for separation as a *counsel of perfection*, he added that the condition of Indian finance prevented it, to that time, from being adopted. Similarly, in the debate in the House of Lords on 8th May 1893, to which reference has already been made, Lord Kimberly, then Secretary of State said :—

"The difficulty is simply this that if you were to alter the present system in India you would have to double the staff throughout the country." and his predecessor, Lord Cross, said :—It ( the main principle in the discussion ) is a matter of the gravest possible importance, but I can only agree with what my noble friend has stated, that in the present state of the finances of India it is absolutely impossible to carry out that plan, which to my mind would be an excellent one, resulting in vast good to the Government of India.

The best answer to this objection is to be found in the schemes for separation drawn up by Messrs. Manmohan Ghose, R. C. Dutt, P. C. Mitter and Sir P. M. Metha without the least possible cost to the state. In these circumstances it is necessary to argue either ( 1 ) that any expense which the separation of judicial from executive duties might involve would be borne, and borne cheerfully, by the people of India ; or ( 2 ) that it might well be met by economies in certain other directions. Mr. Dutt shows that the separation might be effected by simple re arrangement of the existing staff, without any additional expense whatsoever. Mr. Dutt's scheme refers specially to Bengal—similar schemes for other Presidencies and Provinces have been framed.

23. The plea put forward is the want of funds ; but all know the adage that "*Where there is a will there is a way*"; and if this maxim is borne in mind, and if the authorities take that view, and if they really and honestly attempt to find money for it we are sure they will be able to find it. They have been able to find crores of rupees for scientific frontier, for Exchange Compensation, for railways and ir-

rigation &c., and yet they say they have no money to carry out this essential reform of the separation of the executive or judicial functions. Men in the position of Messrs. R. C. Dutt, M. M. Ghose, P. C. Roy, P. C. Mitter and P.M. Metha, who have already put forward schemes which ought to commend themselves to Government and which will show them that the cost will not be extra to a large amount ; and even if it involves a cost of extra amount, I am sure the Government of India could find out means to have this essential reform established and carried out. Whether the expenditure be great or whether it be small, it has to be faced ; for in the words of Sir Harvey Adamson, the object is a worthy one. Justice is the bulwark of States and Thrones. Justice is and has always been the strongest support of British rule in India. Sir James Fitz-Stephen declared from his place in the Supreme Legislative Council :—"A single act of injustice done or believed to be done was more disastrous to British rule than a great reverse sustained on an Asiatic battlefield. "

The Court of Directors again and again reminded their servants in India that not only is it necessary that justice should be done, but also that the people should be convinced that justice has been done. I can conceive no better investment of public money than its investment for the improved administration of justice, rendering it efficient, pure and above all suspicion. It will bring an abundant return in the added happiness, prosperity and contentment of the people. The Government of India makes a large surplus out of the law courts. I claim that the first charge on this surplus balance should be the improved administration of justice. And no improvement is more urgent, more vital, or will be acclaimed with more genuine enthusiasm by grateful people, than the separation of judicial and executive functions in the administration of criminal justice. I hold and my countrymen hold, that the Government is pledged to carry out this reform. I invite the Government to redeem its pledge, and when it will have done so, it will have conferred an unspeakable boon upon the masses of the people

for whose welfare all Governments exist. For this reform will not sensibly affect the rich and well-to-do or those who are able to take care of themselves, but the poor and helpless teeming millions of our countrymen who have to attend the criminal courts.

24. We are educated men. We are the heirs of ancient civilisation. We with our ancient civilisation, with our knowledge, our philosophy, our drama, and our literature, with the splendid heroism of the warriors of the past as well as the deep thought of philosophical insight, I say there is no civilisation in the world so many sided as the ancient civilisation of India, so fitting the nation to receive and enjoy any reform. On one side sublime in spirituality and on the other mighty in the intellectual achievement of philosophy, and on the third trained in emotion as no other nation has been trained, by the practice of endurance, of suffering, as well as by the warmth of love and loyalty that flows out from the Indian heart. Where will the Government find a worthy civilisation, if India be not worthy to receive and enjoy such reform. If we are actually found to be fit to hold high posts in the Government, if we are thought, and wisely thought, to be competent to hold seats on the Imperial and Local Legislative Councils, is it not absurd, is it not unsound, is it not impolitic, to say that we are not yet fit to enjoy the system of separation of Judicial and Executive functions? I urge, and very strongly urge, that the time has come when these two functions should be entirely disunited in our province without further delay. The more I look into the history and iniquity of this question, I am convinced of the truth of the memorable words of the illustrious Burke, "invention is exhausted, reason is fatigued, experience has given judgment, but obstinacy is not conquered?"

25. I propose a complete separation of Judicial from executive duties. I further propose that all officers who exercise any judicial powers, whether civil or criminal, should be subordinate to the District Judge and not to the District officer as at present. I also propose that the Dis-



trict officer who at present discharges the duties of a District Magistrate and of a District Collector should be relieved of his magisterial duties. Such officer after being relieved of such duties may well be known as District officer. Even when relieved of his magisterial duties he will have his hands quite full. It is well known that very little judicial work is usually done by the District Magistrate. He will still have to look after the following amongst other branches of administration, namely, Land Revenue, Excise, Jails, Police, Sanitation, Dispensaries, Education, Municipalities, District Councils, Land records, agriculture and various other matters. It is a matter of constant complaint that District officers have too much work on their hands. The relief of Judicial duties will go to mitigate this complaint and leave them more time to look after the legitimate duties of an executive officer, amongst which the proper supervision of the duties of the Police officers of his District ought to form an important item. The judicial work of a District both Civil and Criminal, should be under the supervision of the District and Sessions Judge. He should be assisted in very heavy districts with an additional District and Sessions Judge and one or two Civil Judges who should exercise the powers of a Subordinate Judge and who should also be given the criminal powers of an Assistant Sessions Judge as also the Judicial powers that are exercised by a District Magistrate under the Criminal Procedure Code ; in districts where the work is neither very heavy nor very light, there need not be any additional District and Sessions Judge but only one Additional Judge who will exercise the powers of a Subordinate Judge, an Assistant Sessions Judge as also the judicial powers of a District Magistrate under the Criminal Procedure Code and in very light districts the District and Session Judge may be assisted by a Subordinate Judge who will also exercise the Judicial powers of a District Magistrate under the Criminal Procedure Code. The District Judges and all Judicial officers under them should be placed under the High Court, in all matters, such as pay promotion, leave, suspension punishment &c. and will not

have any concern with the District officer or Divisional Commissioner or the Local Government. As a part of this scheme the Judicial Department of the Local Government may well be placed under the High Court.

26. In view of the foregoing considerations I earnestly entreat that our benign just and popular Chief Commissioner the Hon'ble Sir Benjamin Robertson who had worked up his way to the highest rung of official ladder in these provinces, will be pleased to recommend this most urgently needed reform to the Government of India so that it may include the same in the Criminal Procedure Code that has been introduced in the Imperial Council by Sir Reginald Craddock on the 21st March 1914.

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# Extension of the system of trial by Jury in India.

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Trial by Panchayat was an immemorial and dearly-cherished indigenous institution of the land. The deep political debt we owe to it, as a struggling nation during our long and much-cherished historic past, can not, and ought not to be forgotten.

2. Trial by Jury is an analogous institution of still greater value. As Mr. Amos justly observes in his English constitution ( Page 92 ), this constitution is one of those which it is the custom of Englishmen to prize more than almost any other. It is rightly viewed as one of the mainstay of English liberty.

3. In a country like India, the political value of Jury trial can not be exaggerated. It is as essential as any other free institution to solid and regulated progress in political freedom. It is an indispensable complement of Local Self-Government, and an equally, if not a more, necessary part of the national apparatus of political education, required to give the people a practical training in public duties by compelling them *nolens volens* to take a daily and active share, on a footing of responsible independence, in the administration of the Laws. Looked at from this point of view, the question relating to its extension in this country, far from being a question of merely provincial or local interest, is eminently one of national importance in its bearings and is, in my judgment, worthy of more prominent place in our deliberations.

4. I shall begin with a brief review of the position of the question as far as my information extends and space permits. The Criminal Procedure Code of 1862 marks the starting point in the history of the Jury System as it obtains

in India. The eminent English jurists who were the framers of that Code, rising superior to the narrow prejudices of the Indian bureaucracy, and guided by their English experience approached the question from the point of view of practical statesmanship and deemed it expedient to give a political institution of such uncontested value as the Jury system a fair trial in India. The experiment was a new one, and had to be conducted under the somewhat peculiar conditions of foreign rule. Very naturally under these circumstances, the question of introducing Jury trial was rightly regarded as one of practical administration, and the scope and other details of its working had therefore to be left entirely to the executive discretion of the local authorities, like the kindred question of Local Self-Government a decade or two after.

5. In the absence of any provision to the contrary, the system of trial by Jury had to be put in force and worked on the broad basis of the municipal law of England. The Local Governments necessarily proceeded in a most cautious and tentative manner in the exercise of the new powers thus entrusted to them under the Code. Except Bengal, Madras and Bombay, the other Governments took no action in the matter.

6. Such was the state of things down to 1872. The new Criminal Procedure Code of that year was the work of Sir Fitz James Stephen, and marked an important departure and slightly retrograde movement. While, under the old law, the traditions of English jurisprudence had been boldly followed and the verdict of a free jury was accepted as a final decision even in cases when the Judge disapproved of it, under the amended Code a remedy was proposed with a view to set right perverse verdicts—section 307 of that Code provided a statutory safeguard against the supposed risk of the miscarriage of justice, incidental to trial by Jury on the English model, by investing the High Courts with the powers of review and revision in cases in which the Sessions Judge disagrees with the verdict of the Jurors, or of a majority of the Jurors, on all or any of the charges on which the accused has been tried so completely that he

considers it necessary for the end of justice to request their intervention. This provision in the Code of 1872 was evidently intended to meet the objections of those who were dissatisfied with the working of the Jury in India as a judicial institution, as well as of those who, in common with many distinguished Jurists in Europe and America, were opposed to it on general ground. The possible chance of a failure of justice was thus taken away, and the line was cleared for the extension of the system; no excuse was now left to the provincial Governments for withholding this privilege, on grounds of administrative safety and the interests of pure justice, from any communities within their local jurisdictions.

7. It must be acknowledged that the Imperial Legislature rose to a rare level of truly large-minded statesmanship. The results of the working of the Jury during the ten years previous in those parts of the country where it had been introduced, were by no means, in the opinion of the executive authorities, either favourable or encouraging, but the supreme Government refused to look upon the system merely in the light of a judicial institution, and to abandon the experiment of such political interest and promise, simply on the ground of administrative inconvenience and a possible but avoidable risk of failure. Administrative inconvenience was felt to be apparently inevitable, but all possible chances of failure of justice could be, and were, obviated in the new Code. The amendment which compelled reference to the High Courts in cases in which the ends of justice should require it, no doubt increased the work of the High Courts, and considerably diminished the independence of the juries; but the system, even when so modified in its Judicial character, retained all its political value unimpaired, and the Supreme Government was content to let it work more as a political than as a judicial institution. Full reliance was, however, placed upon the discretionary judgment of the Local Administrations, who retained all the old powers of defining the class of offences, and naming the districts and the tribunals where the trial was to be by Jury.

8. The High Courts also were fortunately in complete sympathy with the liberal views and intentions of the Supreme Legislature in the matter. They were determined to give the system a fair trial as judicial institution, quite as fully as the Government of India were prepared to allow it to work as a means of political education, and took frequent opportunities to declare that, though armed with large powers of interference and revision in respect of Jury trials under the new Code, they would do nothing, as far as in them lay, likely to impair its judicial utility. In the case of *Reg. V Khanderao Bajirao*, I. L. R. 1 Bombay 10, the Bombay High Court made the following remarks :—

“It is a well-recognised principle that the Court in England will not set aside the verdict of a jury unless it be perverse and patently wrong, or may have been induced by an error of the Judge. We adhere generally to the principles notwithstanding our large discretionary powers, first on the constitutional ground of taking as little as possible out of the hands to which it has been primarily assigned by the legislature, and secondly because any undue interference may tend to diminish the sense of responsibility ..... When juries know that they are liable to the scrutiny and supervision of this Court, they will feel the necessity of exercising conscientious deliberation in the arriving at their verdict”. Such being the intention of the Legislature, and such the declarations of the High Courts, there clearly stood nothing in the way of the Local Governments fully extending the Jury System throughout their respective Provinces, except the usual bureaucratic Jealousy of popular liberty and free institutions.

9. The Criminal Procedure Code was again amended in 1882 and 1898 but it did not disturb the *status quo ante* in regard to this question. The discretionary powers, conferred upon the Local Governments in respect of the extension and working of the system, were left untouched. The subject, though of such vital moment to the political progress of the nation, did not receive its due measure of attention at the hands of the Supreme Government. The official attitude

of watchful distrust and scarcely concealed opposition to the system as a political more than as a judicial institution was overlooked, and the Supreme Government, reposing full confidence in the liberal views of the subordinate Administrations, was content to leave the matter in their hands as before.

10. In 1883, however, the subject forced its way to the front during the burning controversy over the Ilbert Bill. Lord Ripon in one of his concluding speeches on that Bill, in which he addressed an impressive appeal to his Indian Colleagues in the Council to accept the compromise proposed by Government, had occasion to incidentally notice this question of the system of trial by jury, and assured the public that the Local Governments would be liberal in exercising their powers in connection with the extension of the jury system in general. The compromise was agreed to early in 1884, and under it the European British subjects of Her Majesty in India were allowed their native privilege of trial by Jury.

11. From the foregoing review of the position of the question, it will appear that the Provincial Government, except perhaps the Bengal Government, have not dealt with it in a manner either satisfactory or encouraging to the public. The attitude of Provincial bureaucracies or the subject can not be mistaken. Clearly it is not one of watchful suspense or of sympathetic anxiety but one of narrow-minded distrust and autocratic jealousy. The progress achieved during the last half century in this discretion is so small in the different Provinces that it does not encourage any large hopes for the future; should the status quo be maintained and the discretionary powers in respect of it be continued to the Provincial Administrations as hitherto. The whole question, however, is too important to be so lightly dealt with.

12. Trial by Jury is regarded both in Europe and America as an institution of inestimable value, whether regarded from the judicial or from the political point of view. Its value is all the greater in a country like India only recently

rescued from the irresponsible and repressive absolutism of centuries. It is eminently one of those free institutions which go to build up and consolidate a people's political liberty and confirm the foundations of its progress. Nothing evidently is so well calculated, in the peculiar conditions of British rule in India, to perfect and strengthen the broad basis of the British power as well as to level up the immense populations under its sway, as the policy of associating the people, to the widest possible extent and on a footing of well regulated responsibility, in the carrying out of the laws as well as in the making of them. Regarded from this standpoint, the extension of the Jury system seems to me very necessary and desirable.

13. The institution is viewed by constitutional writers more as a political than as a judicial one. To look upon the Jury, says De Toqueville, in his *democracy in America*, (Volume 1, page 286), as a mere Judicial institution is to confine our attention to a very narrow view of it; for, however great its influence may be upon the decisions of the law courts, that influence is very sub-ordinate to the powerful effects which it produces on the destinies of the community at large. The jury is above all a political institution, and it must be regarded in this light in order to be only appreciated. The same eminent writer proceeds to describe some of its political effects in these words:—"It raises the people itself or at least a class of citizens to the bench of judicial authority, it serves to communicate the spirit of the judges to the minds of all the citizens; and this spirit, with the habits which attend it, is the soundest preparation for free institutions; it imbues all classes with a respect for the thing judged, and with the notion of right; it invests each citizen with a kind of Magistracy and makes them all feel the duties which they are bound to discharge towards society and the part which they take in Government. By obliging men to turn their attention to affairs which are not exclusively their own, it rules off that individual egotism which is the rust of society. The Jury contributes most powerfully to form the judgment and to in-



crease the natural intelligence of people, and this is, in my opinion, its greatest advantage. It is one of the most efficacious means for the education of the people which society can employ."

14. These remarks of De Toqueville on the subject, sufficiently set forth the great political and educational advantages of the Jury system, and their peculiar applicability to the conditions of political advance in India will not be contested. Looking with that eminent French statesman and writer, upon the institution as one of the most efficacious and powerful instruments of political education and of sustained, regulated and well-ordered progress in freedom, I would advocate its extension in this province to the widest extent. I submit that this question of its extension is one of Imperial importance, and cannot be safely or conveniently left to the capricious or narrow-minded discretion of the subordinate Provincial Governments. I would, therefore, venture to suggest that, though essentially and practically a question of administrative reform, it should be taken up by the Supreme Government and dealt with in a comprehensive spirit of liberal statesmanship which I cannot expect from the Provincial Administrations, as the kindred one of Local Self-Government was taken up and dealt with by the Government of Lord Ripon in 1882 after it had been left for full 30 years and more in the hands of the Local Governments. This Jury question, which is one of special importance in a backward country like India, derives its special significance from its peculiar educational feature, namely, that while every other agency of political and moral education is more or less permissive and optional in its character and is somewhat restricted in its scope, the Jury system, as an agency of political and moral education, involves the element of general statutory compulsion in regard to the association of the people in the administration of the laws. The vulgar prejudice which looks upon the co-operation of the Jury as in any degree diminishing the power and moral hold of the constituted Magistracy of the State, may be discarded from our mind as ignorant and un-

worthy. As De Toqueville observes, the Jury then, which seems to restrict the rights of Magistracy, does in reality consolidate its power, and in no country are the judges so powerful as there, where the people partake their privileges.

15. With these observations, I will proceed briefly to indicate in a rough and general way the lines, on which, further action should be taken in respect of this most important and urgently called-for reform :—

(A) That widest extension of the trial by Jury system should be given throughout this province. The inestimable privilege should not be withheld from any communities, and it may be extended throughout these provinces.

(B) I would suggest that the whole question should be withdrawn from the sphere of Provincial Executive Administration. The discretionary powers vested in the hands of the Local Governments would have to be largely curtailed. The choice of Districts for extension of the Jury, the selection of offences, triable by Jury and the nomination of jurors should no longer be left to the practically uncontrolled and irresponsible discretion of the Local Executive, but should be provided for by statute ;

(C) That finality be given to the verdicts of Juries. The innovation made in 1372 in the system of trial by Jury, depriving the verdicts of Juries of all finality, has proved injurious to the country, and that the powers, then for the first time, vested in Sessions Judges and High Courts, of setting aside verdicts of acquittal, should be at once withdrawn ;

(D) That it is extremely desirable that the power at present vested in Government to appeal against acquittals be taken away.

16. The almost proverbial immobility of Indian reform is probably nowhere so conspicuous as in the slow and

imperceptible development of the system of trial by Jury. Here it seems to have moved in cycles even larger than those of the great orb which is the centre of the mighty planetary system under which we live. Decades passed away after the British conquest before the system of trial by Jury was properly secured to His Majesty's Indian subjects living within the Presidency towns. It then took three decades more to reach a few favoured spots in the regions of the Western and Eastern Ghats and the Assam Valleys; and then another cycle of full thirty years rolled away before seven districts in the Gangetic Provinces came to receive its blessings. There it has ever since stood as if fossilized beyond all possibility of further growth. But now the country has completed another revolution of half century or more, has not the usual period of probation passed and the time fully arrived for doling out another measure of this reform to the suffering millions of this vast empire? If the privilege is still to be withheld, Anglo-Indian Bureaucracy must be false to its own established tradition. If trial by Jury is a necessity in England, I maintain that it is a greater necessity in India where the majority of Judges, unacquainted with the manners and customs of the people, are not in a proper position, as a Jury selected by the people themselves would be, to deal with questions of fact. That being so I do not think any further argument is required to press for the further extension of the Jury system throughout this province.

17. In 1884, the Government of Lord Ripon launched this question, but the tide of opposition flowed from the lower depths of the service, and the question was thrown back. It is a strange arrangement, peculiar to Anglo-Indian Administration, that no reform can be effected without the consent and concurrence of those whose colliding interest is always to oppose such improvements. It is the services, and not the Government, that have throughout mainly blocked our way. And what, after all, is the justification for this stolid immobility of the Government? The plea of impecuniosity does not arise here, as it does in the

case of the separation of judicial from executive functions ; nor is there here the shadow of any political bugbear such as is said to haunt the question of simultaneous examinations. This is not one of these problems upon which India can be either lost or ruined. This is a question of pure administrative justice between India and Indians. Justice in this country is sold and not administered, and should not the purchaser, even when he pays a fancy price for it, have some choice in the selection of his article of purchase ? Then where is the difficulty ? It is generally urged that the difficulty lies in the ingrained perversity of Indian jurors in returning wrong verdicts, or, in other words, verdicts which fail to commend themselves to the infallible opinions of English Judges.

18. The other objection specially urged against the proposed extension is the alleged incompetency of the present non-jury districts to meet the requirements of the privilege. I should have attached some importance to the converse proposition that there are not many competent and trained Judges in the service fit to deal with jurors in this country. To begin with, I should like to know if all the shires and counties in England and Scotland were equally advanced at any time, and if the difference in their qualifications was ever made the ground for a difference of administrative rights and privileges among them ? Then are we to understand that even since 1861 the people have made no progress in education, in independence of judgment and decision of character ? And will any one affirm that there are not now some at least among the non-jury districts whose position at the present day might compare favourably with those of the favoured districts ? It cannot be ; it is impossible. To assert the contrary would be a gross libel on British rule in India. There have sprung up in most of these districts Colleges and High Schools, self-governing Municipal and Local Boards, which the people are managing with commendable success. There are independent Benches of Honorary Magistrates in almost every Tahsil and above all, there is established in all the places a

strong public opinion the force of which is not infrequently felt even by Government. And if further evidence is needed I would refer to the admissions of the opposite side.

19. One favourite argument is that the educated classes are as yet only a very small fraction of the community. The hollowness of this plea was well exposed by the late Mr. George Yule in his address as President of our National Congress in 1888 at Allahabad. Quoting Professor Tharold Rogers, he pointed out that a hundred years ago, not one man in ten or one woman in twenty knew how to read and write in England. Going another century or two back, he added, the people of England, man and boy, high and low, with the exception of a mere handful, were steeped in the grossest ignorance and yet there was House of Commons. We have now in this country about 15 million people who can read and write, and about a million of these have come under the influence of some kind of English education.

20. If I should ever be asked to point out the chief defect of British Rule in India, I would thrice repeat that it is its administrative anomalies, and then unhesitatingly add that of all such anomalies there are none so anomalous as the anomalies of its administration of criminal justice. Apart from the irrational union of the judicial and the executive functions, it has to be observed that though all the people are living in the same country and under the same Sovereign, and are apparently protected by the same punitive laws, the criminal procedure of the country is one huge, cumbrous and complex machine, comprising about half-dozen different modes of trial, varying from the most primitive to the most highly civilized method of administration. By a strange fatality it has broken up the entire population into divisions of political castes at the head of which the European Brahmins have one kind of criminal shastras, while the Indian Sudras have quite another. Then among these latter there are, like cases in a desert, a patch here and a patch there where the people enjoy greater security of life, liberty, and property than the multitudinous popula-

tion who inhabit the vast arid expanse all round. A murder is a murder, with the gallows for its destined goal whether it is committed in Allahabad or in Agra, and yet the merest accident of its being committed on this or that side of an almost imaginary line, sometimes drawn through restless waters, may determine whether the same man shall be dealt with as a true citizen or as a bondsman. Where is the cause in the great testament of the Queen mother that, while imposing upon our heads the liabilities of her Government deprives us of an equal share in the privileges of her rule? Why should we day by day and year after year, standing on one bank of a river, gaze mournfully on the other bank, and have to say to ourselves that it is over there that the shackles fall off and true citizenship begins?

21. We are judged without evidence, and condemned without trial. We seem to be nobody's care. But though the people have been long crying for help in this and other connections, the gods are asleep, and there is no response to their call. Is the race of British philanthropists extinct? And have the mighty builders of this vast empire left no heritage of broad and noble ideals of justice for their successors? We are not appealing to Jews or Cossacks; but to those for whom they proudly say Milton wrote and Sydney died, and for whom the Magna Charta was obtained; and, in making our present appeal, we are asking not only for the protection of our life, liberty, and property, but also for the vindication of the honour and dignity of the great British Constitution.

22. As the law stands at present, after the jury has delivered its verdict, if the judge does not agree with it, he has power to make a reference to the High Court, who can dispose of the case in such manner as they may deem proper. You will agree with me that this proceeding is, on the face of it, very anomalous. Juries are constituted judges of facts, and it is certainly anomalous that where five gentlemen admittedly better qualified than the judge himself, better qualified because of their intimate knowledge of the customs

and manners of the people, to deal with questions of fact, that where these five gentlemen are agreed upon a particular view of a case, the judge should still have the power of over-riding their decision and referring the case to the higher authorities. I can conceive of no greater condemnation of the present system than the fact that the various High Courts, notably that of Bombay, have practically refused to give full effect to this provision of the law. They have laid down from time to time that, although according to the strict letter of the law the whole case is opened up by a reference, they will not disturb the verdict of the jury simply because they think it wrong, but will only interfere when the conclusion arrived at on the record is so patently and manifestly perverse that no reasonable man could arrive at it. And one of the reasons that induced the High Court to lay down these rulings is pregnant with great wisdom and foresight, and it is this, if you once disturb the finality of the verdicts of juries you will be taking away the sense of responsibility of jurymen. You will agree with me that it is desirable that there should be some errors committed by juries rather than that anything should be done to take away from them their sense of responsibility.

23. Comprehensive as I think a great many provisions of the present Criminal Procedure Code are, I can not conceive anything more illiberal in spirit and more mischievous than the provisions for appeals in acquittals. Consider for a moment the wide powers vested in Government. Under this provision of the law, Government have the power of appealing against any order of acquittal, either appellate or original; and the Limitation Act allows them the long period of six months within which they can do it. Contrast this with the privilege accorded to an accused appealing against conviction. If an accused is sent to jail for a period of one month, or is sentenced to a fine of Rs. 50, or is committed to sessions, he has no power to appeal, while in the case, of summary trials he has no power of appeal at all. Even in cases where he has the power to appeal, he must exercise that power within 30 days, in the case of convic-

tions by Magistrates, and within 60 days, in the case of convictions by Sessions Courts. Thus while an accused person—I ought to say an Indian accused person, because the Criminal Procedure Code most shamelessly violates the fundamental principles of law, that law is no respecter of persons, and exempts European British subjects from these Rules—must appeal within 30 or 60 days, as the case may be when he is sentenced to undergo rigorous imprisonment for 3 months, or must make up his mind to sit still and bear it, our august Government with all their resources at their back have the proud privilege of hanging the sword of Damocles over the head of acquitted persons for 6 months. We have to consider the actual way in which this provision is worded. Generally when an acquittal is recorded in a Sessions Court, it may be even with concurrence of a jury, it is ordinarily the District Magistrate, who is often a junior Collector, who sits in judgment on that order of acquittal, and thus deals with it. If he thinks the Sessions Judge is wrong he moves Government to appeal; and Government on the recommendation of the District Magistrate, sanctions the appeal. It is a well-known fact that when these appeals against acquittal come before the High Court, a large majority of them are certainly fruitless; but that only shows the wisdom of the High Court in acquitting, not that of the Government in preferring the appeals. True that a large majority of the appeals are fruitless but what of the trouble, expense, and mental anxiety to which the poor accused is put? Then again, I think that this power is very dangerous when left in the hands of the Local Government.

24. Our Central Provinces are non-regulation Provinces which have no chartered High court and which have no jury system. We want many things. Our Indian people are well known to the civilized world for their patience. Among many other things that we want is the jury system which is not extended to our provinces. We have not tasted the sweets of the jury system. Our humble prayer is for its extension in our provinces. We Central Provinces persons, we people of the Central Provinces are not Khonds,



are not Santals, are not men who have no touch with the present civilization. We are educated men ; we are indeed highly obliged to the British Government for the clear education and enlightenment we have received. It has opened a new era in the history of the Central Provinces. During the last 50 years English education has made very rapid progress ; the existence of three colleges in the Central Provinces, the enterprising spirit shown by the educated men and trading classes in starting cotton factories, weaving and spinning mills, opening of the mineral wealth of these provinces and several other trades and industries fully bear testimony to what I say. It may appear surprising, nevertheless it is a fact, and an admitted fact, as disclosed by the Report of the Education Commission, that even primary education in these provinces has been far in advance of what it has been in other provinces. Regarding the spread of higher education both the Administration and Educational reports speak for themselves. The scheme of Local Self-Government which has made the Government of Lord Ripon so very popular, so very dear to the Indian people, has proved a complete success in our provinces. The interest the people take in the public affairs of the Central Provinces is evident from the fact that the Municipal Committees and the District Councils elect their own Chairman. And whom do they elect ? Not officials but non-official members of that body. All these facts will clearly show that we are quite fit for the boon of the jury system ; they will convince you that we have got sufficient material in our provinces from which juries can be selected. If the people of the Central Provinces are actually found, after serious trial and sufficiently long experience, to be fit to hold independent charge of the District and the Divisions in plain words to hold the posts of Deputy Commissioners, Commissioners, District and Sessions Judges, Additional Judicial Commissioners and several other high and responsible posts in the various other departments of the Government, if they are thought, and wisely thought, to be competent to hold seats on the Imperial and Local Legislative

Councils, is it not absurd, is it not unsound, is it not impolitic, to say that we are not yet fit to enjoy the jury system ?

25. I remonstrate, and very strongly remonstrate, with the greatest possible emphasis and force, that undoubtedly the time has come when the Jury system should be extended to our province. We do not want anything which is new to us ; we do not want anything which is an innovation to us ; but we want a thing which was the right and privilege of our forefathers, we want a thing which was enjoyed by our worthy forefathers, and enjoyed without any disturbance, without any interference. And what was that ? It was the Jury system, but fortunately or unfortunately it had a very different name, a name known to all of you, and that was the Panchayat system. We ask for it with great courage and with great boldness, which certainly we should never have had courage or boldness to do under any other Government either native or foreign, because we know, and know fully well, that we are living under the beneficent rule of His Gracious Majesty, that we have got the most gracious, the most noble, the most worthy Chapter, the solemn Proclamation of Her Majesty the Queen Victoria of 1858, that we are supported, and indeed very staunchly and very sincerely, by the British Statesmen ; not only by those statesmen, but by almost all members of Parliament ; and not only that but by all noble-minded and liberal-hearted gentlemen at home, whose motive in life is "*Righteousness exalteth a nation*", whose aim and object in life is to uphold the strong and help the weak in the righteous cause.

26. Finally, the nomination of jurors suggests a question at once difficult and important. The privilege of being a juror is a justly valued privilege, and the choice of its recipients should not be left, as under the present Criminal Procedure Code, Section 321, to the arbitrary will of the Local Executive authorities. It should be rather dependent upon definite qualifications statutorily fixed, which the people can understand and regard as giving a

statutory claim to it. De Toquevilli's remarks on the point (volume I, pages 287-288) are worth quoting:—"The Jury is pre-eminently a political institution, it must be regarded as one form of the sovereignty of the people, when that sovereignty is repudiated, it must be rejected, or it must be adapted to the laws by which that sovereignty is established. The Jury is that portion of the nation to which the execution of the laws is entrusted, as the House of Parliament constitute that part of the nation which makes the laws; and in order that society may be governed with consistency and uniformity, the list of citizens qualified to serve on juries must increase and diminish with the list of electors".

This, I hold to be the point of view most worthy of the attention of the legislator, and all that remains is merely accessory. In America every citizen is qualified to be an elector and a juror. The qualifications of jurors in England are thus set forth in Amos' English constitution (page 94):—

"Grand jurymen must be free-holders—that is must have an estate in land for life at least—resident in the country".

Common jurymen and special jurymen must have the following qualifications:—

- (1) They must be between the ages of 21 and 60.
- (2) They must have either 10 pounds a year in land free hold; or 20 pounds a year lease-hold, for 21 years or a longer term; or be house-holders rated for the support of the poor; or in Middlesex pay house duty on not less than 30 pounds.

27. Here, in India, we may go further and insist that it is essential to the good working of the system, at least in the initial stage, that qualifications should be imposed, calculated not only to ensure independence, but also a certain amount of intelligence and culture, in the person claiming to be put on the Jury. I would, therefore, suggest that property as well as educational qualifications might be statutorily attached to the privilege of being a juror. He who proves that he possesses those qualifications should be able to claim it as a matter of legal right. This qualification might be tentatively proposed as follows:—

(1) A juror should be a house-holder, paying a certain amount of Municipal or imperial taxes, or an occupier paying a certain amount of rent, or a land-owner or lease-holder possessing free-hold or lease-hold of a certain amount &c.

(2) He should have passed some educational test recognized by Government in Vernacular or English.

28. Under some such arrangement, I have no doubt that jurors can be found in sufficient numbers in most of our Districts, and the chief difficulty now urged in connection with the extension of the Jury system would be removed; but, above all, the invaluable privilege of serving on the Jury would be made a matter of legal claim, dependent on certain well defined conditions intelligible to all, and within the reach of all, instead of continuing a favour in the gift of the Local Executive officers.

29. These are briefly the lines on which I suggest further action in this matter of Jury extension and fervently hope and trust that the Government will include this reform in the new Criminal Procedure Code that was introduced in the Imperial Council on 21st March 1914.

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# The work of the Congress, Conference and Associations.

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Since the Indian National Congress, the Provincial Conference or Association is not a recognized representative assembly, as pointed by Government officials, it is practically of no use to pass a cart-load of resolutions and send them on to the Government to be buried in their archives, making them a prey to white ants. If the force of the Congress, Conference or Association is to be felt, if we want to make the Congress really a tower of strength to the Indian aims and aspirations, the real work should be done by the Provincial, District and Tahsil Congress committees. An annual meeting to elect the members thereof and to send the delegates to the National Congress, which at present form the main feature of the associations, should be only one of the business meetings of the year, and their energy should be directed to more useful channels. When any questions affecting a special tahsil or district are brought before the public, the Tahsil Committee, the District Committee or the Provincial Congress Committee in question, should convene special meetings and such important questions should be well studied and discussed in such assemblies and the non-official members of the Local Boards and District Councils and the Provincial Legislative Council should be specially made conversant with the aspect of the question from the people's standpoint. In cases where some important matters should be brought before the notice of the Government which the Government fail to deal with, it should be the duty of such representatives of the people to bring them timely before the notice of the local Government in the Legislative Council. I do not believe a single meeting of the Provincial Congress Committee and other

Conferences can do any appreciable good to the people at large. Such discontinuous, or spasmodic out-bursts of enthusiasm are transient and leave no visible impression behind. They should meet as often as they can, and not only ventilate public opinion on matters of general importance, but equip the non-official members of the Legislative Council and the District and Tahsil Boards, the people's representatives, with the recognised public opinion. In addition, these institutions should be the atheneum, where the future citizens of the Empire are trained. These representatives would then be the champions of the people's cause and they in turn would then have the strength and moral courage to fight out their cause with the impregnable force of public opinion behind them. The present system of some Hon'ble Member bringing some Bills before the Legislative assemblies, quite contrary to the cherished desires of the people, whom they are supposed to represent, has wrought a good deal of trouble, and the people are in turn denied a chance of their cause being thoroughly represented in the Council, where they are deemed imperative. This shows the utter ignorance of the people's mind and the disregard of their opinions.

2. I would like to suggest the necessity of having organised associations, in not only the various districts, but in every tahsil. Before any important and controversial subjects are discussed in the Legislative Council, the District and Tahsil Boards, special "*non-official*" Provincial Conferences, District and Tahsil Associations should be formed, and from them non-official members should be sent to meet the Government and their followers to safe-guard the people's interests. For example, when a question regarding the raising of the land-tax, the opening of a dispensary, constructing roads or opening schools under the Boards, are to be taken up at a meeting of the Board, the members thereof are given previous information on the same. Under such conditions they should consult the opinion of the people concerned and for this the Tahsil Committee should be requested to call for a meeting or arrange for a discussion

of such question or questions beforehand. When the question of opening a railway in a district through certain tahsils, opening or improving water communication, or questions concerning education, sanitation and other important subjects are to be dealt with, the District Congress Committees should likewise convene meetings, before the questions are actually discussed in the officialised District Councils. Similarly, before each session of the Local Legislative Council and the Imperial Legislative Council, when such vital measures as Elementary Education, Press and Arms Acts, Public Safety and Defence Bills, &c are placed on the legislative anvil, the Congress Committees should, in meetings assembled, thoroughly discuss the merits of such measures in the interests of the people for whom they are intended, express their emphatic opinions on the same and the non-official members of the Council should be the spokesmen of the people. If the representatives fail to discharge their duties as the champions of the people's cause for some obvious reasons it is the duty of the people then of ousting such members and disown them as their representatives. If the organisations, as above mentioned, can be made by the vigilant Congress organisation, then we can say that the Indian National Congress is the prop of the Indian people, and not till then. In short we should make the Congress and its constituencies really recognised public bodies. The earlier this is done the better for the regeneration of the land. It is indeed a great pity to convert a great national organisation into a three days' talk.

3. Besides protecting the peoples' interests, another bounden duty of the Congress Committees is to be on a vigilant lookout for the essential reforms conducive to the good of the people. After thorough deliberation and full discussion of the *pros* and *cons* of such subjects in their assemblies, the needed reforms should be introduced in the Legislative Councils in the form of Bills, and similar questions raised in the District Councils and Local Boards, by the non-official members. At present the voice of the non-official members is very feeble and any bills or resolutions

they introduce are either rejected, allowed to be withdrawn or may be in some cases taken away from them by the usual reply that Government are making enquiries in the matter. If the reforms wished for, and we have a good many of them, are of such a nature as to affect the people of the province, such reforms should be brought before the Local Legislative Council, without unnecessary loss of time. The questions must be pressed home in the Provincial Legislative Council until the Government realise the importance of—nay the pressing necessity—for the same. The very fact that most of the important resolutions that have been unanimously passed over and over again by the Congress and the Provincial Conference have not been brought before the notice of the Imperial and Provincial Governments through the legislative channels, shows want of skill and sagacity, courage and fortitude on the part of the people's representatives, who have failed to make the best use of the opportunities afforded them. The plea that the government will reject all such Acts or Bills cannot hold water. Let each important resolution be passed by the unanimous voice of India, be brought by the various members before the Provincial and Imperial Legislative Councils and there is no reason to believe then that Government will not extend to these matters their very sympathetic consideration. How is it that Provincial Governments are not asked to take up the question of industries at the most opportune time, to introduce *Village Panchayats* in the most advanced places, to raise national volunteers for the safe-guarding of the mother country? It should be the duty of elected members to raise such questions systematically and make the Government recognize their importance. The great defect we find at present is the lack of organisation and the want of grit and persistence in some of the members.

4. In the case of the Imperial Legislative Council, also a repetition of the work of the provincial committee should be made but here the work lies in the hands of the All-India Congress Committee. It may not be possible to hold the Indian National Congress as many times as the Imperial



Council meets, but here also the opinion of the leading members of the Provinces should as often be consulted. The progress of the country can be tested, as Lord Morley once said, by the answer to the question. According to the Constitution of the Indian National Congress organisation, the All-India Congress Committee has above a hundred members. This is a fairly representative number. To these may be added all the Hon'ble Members who happen to be outside the ranks of the above Committee and other recognised leaders.

5. One important point to be noted in all these non-official public meetings is that the non-official or the elected representatives in the Councils and Boards should be present at all their meetings and they should be a part of the fold and not be allowed to stay outside. This suggestion can be carried out successfully, only when it is possible to throw network of institutions throughout the length and breadth of the land, thus bringing within its camp all the voters of the Councils and Boards. If this can be done, the real object of the Congress can be attained and the Congress can be made a really living representative assembly of the Indian people. Are these not the best institutions where wholesome education can be imparted and active propagandist work carried on ?

6. Such organisations will not be complete without a special organ of the Congress to represent their views and to voice forth their feelings. The British Congress Committee has got an official organ in England and it is doing some substantial work. I believe we are badly in want of such Congress organs in India, especially in the vernaculars. Able Indian editors, with good experience in the journalistic line, and possessing a thorough acquaintance with the Vernaculars should be in charge of official congress organs all over the country. With a network of these institutions throughout the land, such organs are sure to prove to be of inestimable value.

7. I commend the above suggestions to the careful perusal and consideration of my countrymen who are all

alike interested in the attainment of the goal "*Self-Government for India within the Empire*", and I take this opportunity of earnestly imploring them that it should be our sole aim and object to send out the best men available in the country to the Imperial and Provincial Legislative Councils.

8. It is said that after the war the question of the readjustment of the relations of India with the rest of the Empire must arise and if that is so, I think, it is absolutely necessary to see that we have then in the Imperial Council the best men who have a thorough grasp of our industrial, economic and political problems, men who have deep insight into constitutional principles and public affairs and are therefore likely to command weight both with the Government and the people. But it has to be borne in mind that men occupying high and responsible positions in public life are to be chosen to the important affairs of State to serve the public and that unless they have the capacity, the ability, desire, the independence, the knowledge, and the leisure to do so, I venture to think that it will not be productive of much good to the country. We are asking for greater privilege and if we are to convince the world at large that we deserve them; let our performances come up to our prayers. Let us be above narrow-minded and party jealousies and do honour to those who are sure to serve the public interests best even at considerable personal sacrifice.

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## The work before us.

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The session of the 30th Indian National Congress of 1915, which was admittedly one of the most memorable sessions, has passed a resolution authorising the All-India Congress Committee to frame and present a scheme of reform for the attainment of Self-Government within the Empire, before the first of September 1916, and to frame a programme of educative and propagandist work. A few months before the sessions of the last Congress, it seemed doubtful if the Congress of 1915 would pass any important resolution at all, for, the opinion of some of the leaders was in favour of not embarrassing the Government in these troublous war times. But this opinion of some of the leaders failed to find any support from the people of the country. When Mrs. Besant delivered her famous lecture on "*India after the war*", it was not at all hard to discover that the younger citizens were at one with her when she made an open demand for Home Rule and brought forth arguments to support her demand, arguments so convincing and irrefutable that they would have baffled the most efficient lawyer in the world. She subsequently visited other parts of the country, and preached Home Rule, with the result that in a few weeks the whole country was thrilling with the glorious idea of Home Rule. This idea of Home Rule so much dominated the minds of the people, strengthened as they were in their desire to claim it by the proposed formation of the Home Rule League, that an unprecedented number of delegates came from distant parts to attend the Congress. India became filled with the atmosphere of progressive politics created by the sounding of the note of 'Home Rule.' Under these circumstances it would have been absolute unwisdom on the part of our leaders to press their point of not embarrassing the Government and to

their credit be it said, they proved themselves worthy of leadership by rising equal to the occasion. Not only did the Congress pass a series of most useful and important resolutions, but it also went so far as to pass a resolution on self-government, and changed itself hitherto a deliberative body, into an active executive institution. The formation of the Home Rule League was thus rendered unnecessary, for the Congress consented virtually to turn itself into a Home Rule League.

2. And now that the Congress has done its duty and has given to its constituents the power of carrying on educative and propagandist work, it is in the fitness of things that we should waste no more time and should at once proceed to consider the lines that we should adopt to carry out the orders of the Congress in a most efficient manner.

3. It may at once be generally laid down that all publicists and all public associations should begin to move in the matter. The editors of papers, English and especially Vernacular, should begin explaining and elucidating the resolution on Self-Government, giving its history, its reasons, its significance in relation to the Colonies and to the Empire to which we are rightly proved to belong. The hitherto idle and dormant political associations in districts and towns should make themselves active. The Committees should no longer consist of men of money, respectable donothings, but they should be made up of active and enthusiastic workers who are ready to subordinate other interests at this hour of supreme trial. Let all public workers and papers, for a time leave aside questions of minor importance, let them come out from their narrow grooves, and betake themselves to the task of contributing their might to the securing of the nation's right place in the Empire.

4. The mighty organization of the Congress itself with its All-India Committee, its provincial committees, its district and Tahsil Committees, its ward committees, the whole organization spreading over the land from Lahore to Cape Comorin and from Karachi to Calcutta would not find it hard

to spread its new message as dictated by the voice of the nation in the resolution on Self-Government, through all parts of the British Empire. It may do this by sending out lecturers to all important and unimportant centres, by publishing pamphlets and leaflets in English and other languages. The lecturers may explain our historical fitness to rule under the ægis of the British Crown. They may draw a true picture backed up by facts of the poverty of the millions of the land and prove that Self-Government would be the only panacea, and may find other means by a complete study of the situation to prove to the masses the urgency of pressing the demand after the war. Leaflets and pamphlets may also be written on similar lines and distributed broadcast. It is however pre-eminently necessary to select sober and patient workers whose aim it should be to educate the people and propagate the idea of Self-Government, and not to provoke and insult the authorities. Our methods should be more educative, less provocative. Again the various Congress Committees should frame their own schemes of Self-Government, arrange debates upon them, write articles, thoroughly discuss them and present the ultimate schemes to the All-India Congress Committee for consideration.

5. Thus we may well begin the work and carry it on to a successful termination. A great opportunity is before us, the voice of united India as represented by the Congress is behind us. If we have faith in the righteousness of our cause and if we display the zeal, the patience, the energy, and finally the will to gain it, the privilege will be ours, with the neverfailing help of Providence, to enjoy Self-Government at not a distant date. Let us work together for it, let us yoke ourselves to the chariot that is driving towards it and let us not stop until the goal is reached. Drag on, let the burden be on our shoulders and in a few years we shall have reached the destination we are longing to reach.

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# The C. P. Land Revenue Bill.

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( *Reprinted from the Hitawad, 10th June 1916.* )

The Select Committee's Report on the C. P. Land Revenue Bill has been officially published in the C. P. Gazette dated the 18th March and the Bill is likely to be taken up and passed at the meeting of the Legislative Council, which comes off about next month. Apparently, Government adhere to their original proposals, and see no reason in any way to change or modify them, even in the light of recent weighty expressions of public opinion. The question involved is one of grave moment, and nothing can be more unfortunate than the haste and precipitation with which the authorities seem resolved to rush the measure through.

The coming debate, however, on the Bill in the Legislative Council will be awaited with intense and anxious interest throughout this province. There are several points in connection with the proposed legislation, as well as the Government scheme of agrarian change, which, notwithstanding the very full and lucid explanatory statement of the Select Committee, require further elucidation. Besides, the Select Committee, in the report on the Bill, proposes several alterations and additions which will demand close and careful consideration at the hands of the Council.

With a *cabula rasa* so secured and the requisite powers obtained, Government hope to make a new start in this province, and under a comprehensive scheme of agrarian change, intend to work out in the progress of time the economic enfranchisement of a broken peasantry. How to rescue such a peasantry, broken and dispirited, and prostrated by the sufferings of a protracted cycle of calamitous seasons, from the slough of despond, and give it a fresh chance and a clear start so as to enable it to build up a prosperous future for itself—this and no less than this is, as I conceive, the task that lies before the authorities. Never,

perhaps, in the history of this province was there a task of greater magnitude and difficulty imposed on the Government ; and in all our discussions and criticisms of their measures—whatever the differences of view that divide us—it is only right and fair to recognise—and recognise with gratitude—the courage and firmness with which they propose to deal with a situation of such unprecedented embarrassment, and their generous and anxious solicitude for the well-being of the poorer classes in the rural parts.

Our complaint, however, is that the whole economic situation is grievously misapprehended and misjudged by the Government and that a scheme of restorative Bill is formulated, based on a deplorable misinterpretation of the phenomenon, which, strange as it may appear, seeks to help the broken ryot and ameliorate his lot by lowering his status, annihilating his credit, and leaving him weakened and diminished incentives to exertion and improvident borrower—who only borrows when he must, and under stress of hard necessity. His difficulties—which, serious though they are, are due not so much to his want of thrift and prudence as to seasonal vicissitudes and oft recurring droughts on the one hand, and, on the other, to the heavy pressure of the state demand on his lands—are all exclusively attributed to his improvident extravagance and reckless borrowing. His patient and many struggles during the past three decades, to hold his own and maintain his standard of life in the face of formidable odds, are ignored ; and his increased indebtedness, so unavoidable under the circumstances, is taken by itself and made a ground of serious charge against him. And, accordingly, instead of giving him praise and credit for the way in which he has borne his misfortunes and stood his trial all these miserable years, an extending to him the generous help and encouragement, to which he is entitled, by a substantial alleviation of his burdens, it is seriously proposed—and that too, as a policy of restorative relief and assistance—to take away his proprietary rights in the soil, cut down his credit, put him in the swaddling clothes of coercive state protection, and holding

him personally in *statu pupillari*, keep him out of debt and out of harm's way. This is, I submit, an essentially unsound and metaphysical way of dealing with the hard actualities of a hard economic situation, against which the Province will be justified in entering its most emphatic protest.

It is not unknown on what data the authoritative estimates of the C. P. Land Revenue Department as to the incidence of land-revenue in this Province put forward with such show of mathematical precision are founded. If they, however, rest, on no other basis than is supplied by the reported results of crop experiments, conducted from year to year in various parts of the province mostly by non-expert revenue officers who claim no special acquaintance with agricultural matters, it may be remarked in this connection that, as with us the land assessments are fixed, not with reference to the ascertained gross or net produce of the soil, but on the basis of an abstract valuation of the inherent productive capacity of the soil by an expert department, we have not on this side anything like a large or varied accumulation of well-attested facts on the point, a circumstance which makes it a matter of extreme difficulty to test the value of these official estimates as to the incidence of land revenue. Fortunately, however, we are not left entirely to grope in the dark on the point. We have important side-lights to help us in our endeavour to arrive at a tolerably correct conclusion on this much debated question.

The pressure of the land revenue demand, as it at present exists in this province, may be tested and measured in four distinctive ways, viz : in reference :—

- (1) To its incidence per head of population.
- (2) To its incidence per cultivated acre of land. .
- (3) To its incidence as compared with gross produce.
- (4) To its incidence as compared with net produce.

And, so tested and measured, it will be seen that it is heavy, absolutely and in itself. In the case of the lands, farming is all subsistence farming *pure and simple*; and the ryot who has nothing else or better to turn to, is content if



he is able to scratch off his acres enough to live on for part, if not for the whole, of the year. Even in good seasons he does not get enough to enable him to pay his assessments and maintain himself and his family all the twelve months of the year. Usually, after the harvest is over, he goes to some neighbouring town and works as a labourer till the return of the monsoon calls him back to his acres; and it is out of these extra earnings that he pays his assessment and meets his other liabilities. When at times, this extra resource fails him, he goes to the money-lender and borrows and his debts begin. And if seasons of deficient rainfall, drought and famine follow in such disastrous succession as during the past decade, his borrowings grow and accumulate and he is hopelessly embarrassed. If he is unthrifty this accounts for it.

The holders of such lands are among the poorest of our ryots, and are about the greatest sufferers under the present revenue system. Not only are their lands assessed which ought never to be assessed and assessed at considerably heavy rates, but even large enhancements have been in the current revision most unjustly imposed on them, in the Nagpur and other districts.

The very assessment of these absolutely non-paying lands—which are as bad as, or even worse than, the worst lands in the estimation of your political economists—not to mention recent enhancements on revision in the Nagpur District—suggests a question of principle of the utmost importance. Is the assessment imposed a tax, or rent, or more than either? Surely, it is no rent, for the lands are simply incapable of yielding any such; much less it is a tax, which is properly a portion of such rent. It is emphatically a deduction from what is not even enough for the ryot's subsistence—a substantial—portion sliced away from his scanty and precarious food-supply which ought never to be touched.

Sir Richard Temple's Settlement Code laid it down as a standing order that the assessed revenue should in no case exceed one-half the net produce or rent. And indeed the

half-net-assets principle is the regulating principle of assessment in all other provinces. The Court of Directors' despatch of 17th December 1856, lays it down that the right of Government is not rent which consist of all the surplus produce after paying the cost of cultivation and the profits of agricultural stock but a land revenue only which ought if possible to be so lightly assessed as to leave a surplus or rent to the occupier. In 1864 Sir Charles Wood reaffirmed this principle, and went beyond the Court of Directors by fixing 50 per cent of the net produce as the amount claimable by the State. These assurances and declarations of 1856 and 1864 have never been withdrawn by any competent authority, and are thus still in force.

In the Central Provinces, however, these solemn declarations of land revenue policy appear to be so far dead letters or scraps of paper. For in the case of those non-paying cultivated areas there is no question of net produce or net assets or surplus profits, *ex hypothesi*, and as a matter of fact, they yield none such—and their assessment at such heavy rates is, I submit, opposed not only to the principles of political economy but the solemn declarations of policy and positive instructions of the India Office.

The pressure of our land revenue assessments, whether measured in respect of their incidence on population or cultivated acreage or produce, is unduly excessive, and is about the heaviest in British India, and that too, under conditions which mark out this province, as being, from an agricultural point of view, the poorest and least favoured Province in the Peninsula. And I contend it is to the exceptionally severe pressure of land revenue, mainly, if not exclusively, that we must in fairness and candour ascribe the ryot's difficulties. Despite these broad facts, the non-official members of the Select Committee recommend an increase of 25 per cent in assessment at every settlement. I am entirely opposed to this view, though in my opinion, it is not a fair and reasonable suggestion. What I suggest is that the proportion of rent to the produce should have a statutory recognition in the forth coming Land Revenue Act.

The lands in this province are admittedly below the minimum economic level and constitute, so to speak, a broad belt of non-profitable subsistence farming, to which a struggling rural population is, under stress of a hard, abnormal economic situation, driven for bread. But what is yet more striking is, regard to the non-paying areas generally in that considerable enhancements have been imposed on many such in recent revisional settlements. Such enhancements so imposed are, as a rule, justified mainly on the ground of a general advance in material prosperity, as evidenced by increase of population and houses, live-stock, ploughs, and carts on the one side, and by a rise of prices of agricultural produce and values of land on the other. The misfortune is, that in such appraisal of the general material advance, two most determining factors, as affecting the economic condition of the rural classes are ignored, viz: (1) the soil deterioration that is fast proceeding all over the Province under our present system of continuous unmanured cropping, resulting in a continually diminishing return to agricultural labour; and (2) the gradual closing up of most of the non-agricultural outlets for surplus labour, throwing on the soil the entire unrelieved pressure of an advancing population, and which has the effect of stimulating a most unhealthy competition for land, and thereby raising both rents and sale and mortgage values of land. The economic position being thus imperfectly appreciated and misjudged, undue advantage is, almost unconsciously, taken of the ryot's difficulties and struggles, and his burdens are enhanced, in most parts of the Province, almost to the breaking point.

The non-paying areas constitute a zone not only of non-economic cultivation, but also as we see, of heavy assessments, and thus still heavier unjust enhancements on revised settlement. These non-paying areas comprise large extents of inferior land to which tillage has descended under the stress of a hard economic situation, and represent what may be called a broad belt of economic subsistence farming; and the holders of such lands are among the poorest of our cultivators. And I submit that on a careful and dispassionate

survey of the position it is impossible to escape the conclusion that the relatively high assessments imposed on these lands and their recent heavy enhancement on revision weigh with crushing pressure on the classes least able to bear it, and constitute a grave injustice which demands to be redressed. The point here involved is not merely a land revenue settlement point, but has a most important bearing on the large question of famine and famine relief. For, a close analysis of the numbers that crowd our relief-works famine after famine will show that it is to these classes—and seldom to those higher up in the scale—that the majority of cultivators belong, who fall upon the hands of the State in times of such stress. Usually men of little means, hard-pressed and struggling in the best of seasons, and scarcely ever in a position to pay up their assessments and save something against a rainy day—these unhappy ryots are, when the Gods are angry and the rains hold off, among the first to feel the pressure, and are driven there being no other alternative, to throw themselves on the charity of the State. Their lands being inferior, and they themselves being with little or no personal credit, the Sawkar, as is so often erroneously supposed, does not come in here, with his nefarious dealings to complicate matters. The responsibility of the State in the case of these unfortunate people is real and direct and the question that presses for consideration is how far a land revenue system, which no matter how scientific and symmetrical is its general frame, sweeps off into the coffers of the State the whole of the poor ryot's savings, and sometimes something more, and leaves him utterly helpless to tide over even a single season of drought as best he may in harmony with right principles,

The points brought out in the course of the inquiry or past experience may be summarised thus:—

- (1) That little or no weight is given to economic considerations in the assessment of lands;
- (2) That the assessments in the Province are fixed not on the basis of any estimate of the actual gross or

net produce of the soil, but with the sole and exclusive reference to an abstract valuation of the productive capabilities of land, as carried out by a too technical department on the one side, and an estimate of the revenue paying capacity of the local area concerned on the other, as formed from a study of its fiscal and economic history. Thus, virtually, there is here no recognisable limit to the state demand so fixed beyond what the State chooses to take and the ryot can pay ;

- (3) That in these assessment operations the theory of State landlordism is adopted up to in all its logical severity, so that not even the poorest lands are let off unassessed. And, further, no thought is given to the consideration whether what the State claims as its share does not seriously trench on the ryot's narrow and ever narrowing margin of subsistence and savings which ought in justice to be his, and so left untouched.
- (4) That private improvements are not exempted from assessment, as provided for in the Government of India land improvement resolution No. 6-193-2 dated the 24th May 1906.
- (5) That the enhancements of assessment on revision are levied without sufficient grounds and without any apparent or assignable reason, and generally on an incorrect or imperfect view of the economic position of the local area revised. The limits to such enhancements rest on a statutory guarantee.
- (6) That the half-net assets principle which is the guiding and determining principle of assessment in most Indian Provinces, has here no recognition whatever.

As a net practical result, the existing assessments particularly as revised in the current settlement—weigh with crushing pressure on the cultivators, seriously trenching in many cases on what always should be held to be the ryot's

exclusive margin of subsistence. And the chief sufferers are amongst the poorest of our cultivators—the unhappy holders of the non-paying lands. As we all know, these people have suffered in recent years, and their sufferings do not seem to be yet over. They are now a broken peasantry—without heart, without hope and at the end of their resources. The sawkar will not help them in their hour of need, for, they have no personal credit, nor are their lands good security. But as ryots of the state, they have the strongest claim to the generous consideration of Government and the noble-minded statesman who presides over the administration of this province at this critical juncture may be confidently appealed to, to inquire into the condition and needs of these unfortunate cultivators, and extend to them the measure of relief and help which on inquiry might show to be proper and necessary. I ask for the statutory recognition of the principle of long term settlement, half net assets principle or half Assets Saharanpur rule and the proportion of rent to the produce payable by the individual cultivator to the State. In praying for codification, I am asking what the Royal Commission upon Decentralisation has already recommended in para 252 of its report, namely, that the general principles of assessment, such, for instance, as the proportion of the net profits on the land which the Government shall be entitled to take, and the period of settlement and the land revenue assessment should be embodied in the Provincial legislation instead of being left to Executive order.

I would reserve a detailed criticism on the Bill, with your permission, for a future occasion.

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# The O. P. Land Revenue Bill.

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In my last article, I reviewed the situation which had arisen in these provinces, owing to the periodical revisions of settlements, unsettling everything existing before them and creating a new order of things. Without traversing the same grounds, again, I shall now proceed to set forth the views entertained by some of the ablest officers of the later eighteenth and nineteenth centuries, who administered the affairs of this country, on the most important question of the day, viz., the question of Permanent Settlement of land. Of course, there are not Worldly-Wisemen wanting among the ranks of British Officers in India to-day, who do not hesitate to scoff at such an idea as a Permanent Settlement of land, as if our asking for it was like asking for the Moon. In one sense at any rate, I should say that our demand for permanent settlement is like asking for the Moon, inasmuch as Government is not inclined to give us a thing which generation after generation of British statesmen in the past declared with so much persistence and force of reason, to be the only remedy for the impoverished condition of the agriculturists.

I shall quote here opinions in favour of a permanent settlement of the land revenue in other parts of India, held and recorded by three generations, of English statesmen and administrators, like Lord Cornwallis, Sir John Shore, Sir Thomas Munro, Lord William Bentick, Lord Wellesley, Mr. Colebrooke, Lord Minto, Lord Hastings, Mr. Robert Merttins Bird, Sir William Muir, Colonel Baird Smith, Lord Canning, Lord Iddesleigh, Lord Lawrence, Lord Ripon, Sir Charles Wood, Earl de Grey, Sir Stafford Northcote, Lord A. Colvin, Sir Richard Temple, Colonel Elliot, Sir Cecil

Beadon, Sir Bartle Frere, Sir Louls Mallet and Mr. H. E. Sullivan and other distinguished statesmen. It is enough for my purpose to state here what has been repeatedly stated before, the Permanent Settlement of Bengal has proved a blessing, not merely to landlords with whom it was concluded, but to all classes of the community. It has benefited all trades and professions by leaving more money in the country ; promoted the well-being of various degrees of tenure-holders under the landlord : moderated the rents paid by actual cultivators ; and prevented the worst effects of famines such as are witnessed to the present day in every province of India. Colonel Baird Smith recommended a permanent settlement of the land revenue as a protection against the worst effects of future famines, and as a means of increasing the general revenue of the country with the general prosperity of the people. He further said :--“ The good which has been done by partial action on sound principles is both a justification and an encouragement to further advances ; and entertaining the most earnest conviction that State interests and popular interests will be alike strengthened in an increasing rate by the step, the first, and, I believe the most important remedial measure I have respectfully to submit for consideration, is the expediency of fixing for ever the public demand on the land”. Sir Richard Temple in his administration report for the year 1861-62 and in paragraph 128 of his report for 1862-1863 advocated at length the advantages of a permanent settlement. He further recommended the introduction of permanent settlement in these provinces to the Government of India in his letters Nos. 532 and 38 dated the 22nd July 1862 and 8th October 1862. Sir C. Wood sanctioned permanent settlement generally for the whole of India in his despatch dated 9th July 1862. Lord Lawrence recommended the permanent settlement for the whole of India in his despatch of 8th June 1864. Sir C. Wood re-affirmed his approval of the permanent settlement for the whole of India in paragraph 18 of his despatch No. 11 dated 24th March 1865. Again in his despatch No. 15 dated 23rd March 1867 Sir Stafford



Northcote sanctioned the permanent settlement for the whole of India. It is high time now to redeem Sir Richard Temple's promise which was publicly announced to the people of our provinces by him and his officers at Darbare specially held to explain the principles of Permanent Settlement—a promise which has never been redeemed. After the formation of the C. P. Administration, Sir Richard Temple issued the following instructions on the term of settlement is his Settlement Code, Part II, page 18 :—

“ The Government of India has in a letter from the Secretary to the Government of India No. 60 of 21st March 1862, sanctioned the term of 30 years for the settlement now in progress throughout the provinces.” The land-holding classes must confess to a feeling of deep disappointment at what they cannot but regard as an abandonment without adequate cause of a policy dictated by high motives of statesmanship, and which they had been led to believe, would be permanently binding. If over fifty years ago, when the province was still in a great undeveloped state, it was not considered an unreasonable sacrifice of the rights of the state to have a settlement for 30 years, the people can scarcely be blamed if they fail to appreciate the justice or the expediency of the abrogation of the rule at a time when almost the whole province has been linked by railway with principal centres of trade. If a long term of settlement was the right policy, when the land yet awaited development, it cannot cease to be so now, after the great rise in the level of prices, and the extension of cultivation which has taken place during the past half century. There is no prospect in the future of any large increase in prices, or any considerable extension of cultivation. There is no reason therefore for withholding from the people of the Central Provinces a permanent settlement, which was promised to them over 50 years ago, a promise which was never redeemed.

Lord Curzon, in paras 5 and 6 of his resolution dated 16th January 1902, held firstly, that the permanent settle-

ment of Bengal had not prevented the worst effects of famines. An examination of the facts of the case does not support His Excellency's views. But to maintain that the permanent settlement did no good is to discredit the testimony of the ablest officers, and the most distinguished statesmen who lived and worked in India during three generations. There were men among them like Colebrooke, who had served in India for over 40 years, who had known Bengal before and after the permanent settlement, and who declared in 1808 that the reviving prosperity of the country, its increased wealth and rapid improvements were unquestionably due to the Permanent Settlement. There were thoughtful observers like Bishop Heber who wrote in 1862 that 'in Bengal where independent of its exuberant fertility there is a permanent settlement, Famine is unknown.' Lord William Bentinck, as Governor of Madras, recommended a permanent ryotwari settlement, and Sir Thomas Munro insisted on this all through his life. The Marquis of Wellesley was so convinced of the benefits of the permanent settlement that he pledged the word of the British Government in 1803 and 1805 to extend it to Northern India. His successor Lord Minto recorded his opinion in 1813 that 'to ameliorate generally the conditions of the natives, it is our firm conviction that no arrangement or measure will tend so speedily and effectually to the accomplishment of those important objects as the establishment of a permanent settlement.' Lord Minto's successor, the Marquis of Hastings, once more urged in 1820, that 'it is, then our unanimous opinion that the system of a permanent settlement of the land-revenue, either upon the principle of a fixed Jumma, or of an assessment determinable by a fixed and invariable rate, ought to be extended to the ceded and conquered Provinces.' The Directors of the East India Company rejected the proposals of the three successive Governors-General, and broke the pledge given by Legislative Acts and Proclamations not because the permanent settlement in Bengal had borne no fruit, but because a trading company would sacrifice nothing of its own pro-

spective profits and dividends for the happiness of the people of India. The Company was abolished in 1858 ; and the first Viceroy urged once more the extension of a permanent settlement to all provinces of India for the prevention of such famines as he had witnessed in Northern India in 1860.

Such were the opinions of three generations of distinguished administrators and able statesmen in India, of men who built up the Empire, and valued the contentment and happiness of the people. But unfortunately, the desire to promote the welfare of the people did not ultimately shape the action of the Government ; the desire to conciliate the people lost its force when the Empire became stable ; the desire to continuously add to the land revenue prevailed ; and the proposal of extending the permanent settlement into all provinces of India was rejected by the India Office in 1883. Since then the Indian Government have tried to persuade themselves, and to persuade others, that a permanent settlement is a useless and hurtful institution. English landed proprietors, who themselves enjoy and appreciate the benefits of permanent settlement in England under Pitt's Act of 1791, learn to repeat, when they arrive in India, that what is good for themselves is not good for the people of India. Young men, fresh from schools, when they come out as administrators to India, learn to sneer at the well considered opinions of Lord Cornwallis, Sir John Shore, Sir Thomas Munro, Lord Wellesley, Lord Hastings, Lord Canning, Lord Lawrence, Lord Halifax and Sir Stafford Northcote, as the school of thought of an earlier period which is out of date and out of fashion. And the people of India are asked to believe, with all the eloquence of official persuasion, that the grapes which are now placed beyond their reach are sour, and that they will thrive best under a continuous increase of the State demand on the soil. All this is very intelligible, however sad. But the impartial student of history will occasionally turn from the made-to-order opinions of modern times to the freer discussions of the past generations, to the opinions of men who watched

the operations of the permanent settlement from the earliest period, judged its merit from the highest stand-point viz., that of the happiness of the people of India, and recommended its extension with greater freedom than has been enjoyed by any Viceroy since 1883.

After an exhaustive inquiry into the condition of the famine-stricken tracts, Colonel Baird Smith submitted three reports in May and August 1861. And he may be said to have discussed some facts which are true of all Indian famines. In the first place, he clearly showed that the famine was due, not to want of food in the country, but to the difficulty of the starving people in obtaining the food. And in the second place, he also pointed out that the staying power of the people depended greatly on the land system under which they lived. Here is an extract from para 36 of his report dated 14th August 1861 :—

“ No misapprehension can be greater than to suppose that the settlement of the public demand on the land is only lightly, or, as some say, not at all connected with the occurrence of famines. It lies, in reality, far nearer to the root of the matter, because of its intimate and vital relation to the everyday life of the people and their growth towards prosperity or towards degradation, than any such accessories as canals, or roads, or the like, important though these unquestionably are. It is no doubt quite true that not the best settlement, which mortal intellect can devise, would cover the skies with clouds, or moisten the earth with rain, when the course of nature had established a drought. But given the drought and its consequences the capacity of the people to resist their destructive influence is in direct proportion, I would almost say, geometrical proportion—to the perfection of the settlement system under which they are living and growing’.

It will thus be seen from the above that the permanent settlement is the only remedy that saves the lives of people in famines, that will save cultivators from the harassing nature of the survey operations and the enhancement of assessment they bring about. Mr. G. F. Edmonstone, the

Lieutenant-Governor of the N. W. P. agreeing with the opinions of Colonel Baird Smith and Mr. Muir said :—" I do not in the least doubt that the gradual and cautious concession of a guarantee of permanency to the settlement of the land revenue, generally, will be productive of all the advantages which Colonel Baird Smith and Mr. Muir, in even greater detail, have depicted. Judging by the effect of settlements for long periods, it may be safely anticipated that the limitation of the Government demand in perpetuity will, in much larger degrees lead to the investment of capital in the land. The wealth of the agricultural classes will be increased. The prosperity of the country and the strength of the community will be augmented. Land will command a much higher price. The prospective loss which the Government will incur by relinquishing its share of the profits, arising from extended cultivation and improved productiveness, will be partly, if not wholly, compensated by the indirect returns which would be derived from the increased wealth and prosperity of the country at large.

Nor should the minor advantages of freeing the people from the vexation and exaction which are inseparable from a periodical settlement of the land revenue of saving the large expenditure which each revision of settlement entails upon the Government, and of removing the temptation which the approach of each revision holds out to land proprietors of temporarily deteriorating their property, be disregarded. These are all the burdens which bear, with more or less severity, on the Government and on the people, and if they can be got rid of without lasting detriment to the revenues of the state, few will be found to offer any opposition. It must also be admitted that the settlement of the Government demand in perpetuity will be politically wise. The absolute limitation of demand upon their land will be received by an agricultural people with the highest satisfaction, and will produce, if anything can, feeling of attachment to the Government, and of confidence in its desire to promote the best interests of the country. If the Government are not prepared to grant permanent

settlement, we do not object if we have some sort of fixity of tenure in the land.—If, at least, the proportion of produce to rent were fixed and all reclassification of soils or recalculations of grain out-turns could be rigidly excluded from all settlements, that might also go a great way in assuring the ryot of the good intentions of the Government.

Yet the fact must be admitted by all close and careful students of Indian problems that over-assessment of lands and the harsh and rigid enforcement of the Government revenue demand operate very strongly upon the condition of the Indian ryot. So far back as the seventies, the Deccan Ryot's Commission found the defects of the Government revenue system, particularly the manner of its exactions at fixed times, as some of the most potent causes of misery among ryots. Speaking in the Viceroy's Council in the year 1879, the Hon'ble Sir Theodore Hope frankly admitted that "to our revenue system must in candour be ascribed some share in the indebtedness of the ryot." Sir Robert Egerton, then Lieutenant-Governor of the Punjab, and Lord Lytton, then Viceroy of India, also emphasised from their place in the Supreme Legislative Council upon the stringency and rigidity of the present fiscal system. The Famine Commission and many responsible officers of the State have since then accepted that view of the question and it now only remains to be seen how the defects can be met. To me it appears that though over-assessment is a danger which should always be guarded against, both in the interest of the State and the ryot, the greater danger is the rigidity of the system, the payment of cash at fixed dates, which obliges the peasant to pay in the State revenue before he may have reaped his harvest and found time to sell them.

This undoubtedly presses more heavily upon the Indian ryot and drives him oftener to the coils of the money-lender than the actual demand of the revenue. In times of distress or lean years, Government no doubt remits or suspends a large amount of its revenue, but that brings so little relief and benefits so few people that this belated act of

humanity often misses its mark. The only remedy that can be suggested under the circumstances is the reversion to the time-honoured practice of levying the revenue in kind according to the amount of crop. It will not only prevent the agricultural labour to go to the money-lender revenue to meet the demand but will allow him to pay it at his convenience and yet leave him some margin for sustenance and some resource to fall back upon in an evil day. As the proposed system is bound to act automatically as a sliding scale, this would also do duty for a lenient assessment. Personally, I would not have ventured to make such a bold proposal if men like Sir William Wedderburn on the one hand and Sir James Caird on the other had not strongly advocated it. Sir James Caird, at pages 213-214 of his book "*India : the land and the people*," says :—

"If we had it in our power to begin, I would revert to the old plan of the Government taking its rent in a share of the produce. That share should bear a relation to the quality of the soil and its situation. On the best soil this plan might have the objection that it would discourage good cultivation when the cultivator did not keep all the increase to himself, and there it might be proper to modify the principle. But on most of the land of India the cultivator puts no capital into the land. He has no cash. His theory is to let the land rest when it has been over-cropped, and to begin again on the land which has had rest. This he used to do till increasing population pressed on the area of cultivation, and obliged him to confine himself within narrower bounds than his fathers, so narrow that he can now spare none for fallow. The land thus has no rest, and is becoming by every round of crops slightly less productive.

But this would have been different if his assessment had been taken in kind. Then he would have retained land enough to permit part of it to lie fallow. For, as he would be called on for only a share of the crop, he would lose nothing by leaving part of his land idle.

This payment in money has also made him the slave of the money-lender. Government must be paid to the day, and as the Bania is the only capitalist within his reach, he hands over all his crop to the Bania as a security for cash advances, instead of paying the Government its share of the produce in kind. That the Government could now, much more easily than in former times, take the rent in produce, there can be no doubt, and means might be adopted to prevent speculation. There would be no occasion for future re-settlement. Having fixed the proportion (for which in India there is much information in the survey department), the Government share would rise or fall in value prices. If it should be determined at any future time to sell the Government interest in the land it would be found to bear a just relation to its value, which it does not at present. This would really be a grand reform if it could now be accomplished. By releasing the ryot from the money-lender, it would shut up a proportion of the civil court business and leave some capital gradually to accumulate in the ryot's hands and so enable him to improve his system of agriculture, and to maintain the condition of his land".

9. Sir E. C. Buck admits this proposal to be based on a sound principle but objects to its adoption on the ground that it would require a costly machinery and be attended with such evils as corruption and harassment to the ryot. As if the collection of the revenue in cash does not require a very costly machinery at present and no means can be devised to prevent corruption and harassment. Quite recently in the island of Cyprus money-rents have been abandoned and the old native custom of produce-rent substituted in its place, and would it be believed that the experiment has proved not only a blessing to the cultivator but also a great financial success to the state? Of course it would be displaying a lamentable ignorance of all knowledge of political economy to ignore the many disadvantages of collection in kind, particularly it is a source of oppression on the part of the landlord, demoralisation of the tenant, and discouragement to agricultural improvement, but even



principles of political economy have to be modified in exceptional circumstances and speculation and demoralisation are things which can always be successfully guarded against ; and the system now suggested has at least this to recommend itself that for a long time it was in vogue in this country and is perhaps the only one how the ryot can meet the state demand without any practical inconvenience to himself and without incurring additional debt for the purpose and the state can also be saved from occasional remissions and suspensions of revenue and the necessity to write off large dues and arrears now and then.

### Assessment.

The non-official members of the Select Committee urged in their note of dissent that (1) the minimum term of settlement of any estate, mahal, or land should be 30 years ; (2) that the maximum land revenue assessed on any estate or mahal at any settlement should be 50 per cent of the actual assets thereof ; (3) the enhancement of rents payable by tenants on any estate, mahal or land, fixed at any settlement, should not exceed 25 per cent of the rents paid by them at the date of settlement. As regards the first, I would say that either the permanent settlement be granted or a proportion of produce to the rent may be fixed and this principle should be recognised by the statute itself. I entirely agree with the second if the words "including cesses " are added but I do not agree with the third. I want to know first what is the maximum share of the state on land produce and what proportion the present assessment bears to the produce and how much more the state proposes to take in the future settlements. According to my and several other malguzars' experience, the assessments of the nineties were already severe, harassing and crushing. I may also add that the assessments of the current settlement were often arbitrarily enhanced without taking into consideration what the proportion of the crop was and without much regard to the paying power of the cultivators.

In this connection I would draw the attention of the authorities to paragraphs 305 to 313 of the Chanda District Land Revenue Settlement Report of 1869 which fixed the state share of the estimated gross produce at 1/12th, 1/16th, 1/20th, 1/30th and 1/40th part which was even more liberal than those authorised in Hindu Law books. Paragraphs 250 and 251 of the Mandla district land revenue settlement report of 1868-69 fixed the State demand at 1/10th and 1/16th of the gross produce. Para 188 of the Bhandara district and Revenue Settlement Report of 1867 says "the crops grown on each field of a village were recorded for a particular year, the total yield of all the crops was deduced and appraised." The proportion that was taken as State demand was from 1/8th to 1/12th or in the very wild parts even lower. And again para. 301 of the Bilaspur Land Revenue Settlement Report of 1868 says that the proportion of the gross produce absorbed by rent would usually be a twelfth and never under the most unfavourable calculation be more than a tenth. Para 260 of the same report says that the proposed jama was based on carefully proposed estimate of cultivation in each village.

A joint memorial was submitted on 20th December 1900 to the Secretary of State for India by some distinguished gentlemen who had long served Government in high and responsible offices. Among the signatories were the Right Hon'ble Sir Richard Girth, Sir John Jardine, Mr. R. K. Puckle, Mr. J. H. Garstin, Mr. J. B. Pannington, Mr. J. Reynolds, Mr. R. C. Dutt, Mr. C. J. O'Donnell, Mr. A. Rodgers, Sir William Wedderburn and Mr. J. P. Goodridge. They recommended that a limit should be fixed in each province beyond which it may not be possible to sur-charge the land tax with local cesses. Mr. R. C. Dutt made similar recommendations in his open letters to Lord Curzon in 1900; but neither the Government of India nor the local Government gave any effect to those recommendations.

In paragraphs 2 and 4 of the Land Revenue Resolution of 1902, the Government of India have fully recognized

the cardinal principle which I have urged so often that in an agricultural country like India, the prosperity and well-being of the nation greatly depend on the incidence of the land revenue being moderate and equitable ; and that the land assessments should be so made as to leave to the proprietor or the cultivator of the soil a margin of profit which will enable him to save in ordinary years to meet the strain of exceptional bad harvests ; but it remained in the hands of the Local Government to give effect to those weighty declarations. What I urge is that the rule accepted in theory, should be strictly and universally carried out in practice, that the cultivator should be saved, in every simple case, from an assessment exceeding 1/10th of the produce of his field and that such protection is needed by each individual cultivator. Not only is it necessary that Revenue and Settlement officers should be moderate in their demand, but it is also necessary in India more than in any other country of the world, that the cultivators should know and understand clearly what the State demand is and what they are entitled to keep. Uncertainty in the State demand paralyses agriculture. And this fatal uncertainty will hang on the agricultural industry of India until the British Rulers, in close touch with the people and with a firm determination to protect them at all costs, will declare to them in language which they can understand, how much the Government claims from the produce of their fields, and how much is left to them, untouched by the Settlement and Revenue officer.

I feel and have felt, that the happiness and well-being of an agricultural nation largely depend on some clear, definite, intelligible and workable limit being placed on the land-tax. To prove the practicability of this suggestion, I would ask the authorities to refer to appendix of the Famine commission Report of 1879-1880 at pages 69 to 87. This appendix will prove that almost all the Native States in India even in the year 1880 were assessing their land varying from 1/4th to 1/10th of the produce and the rents and land revenue were being collected in kind.

And it is quite clear that if such heavy enhancements are permissible in the opinion of the settlement officer, the condition of the cultivators can never be above want. Greater elasticity in revenue collections is also necessary in hard times, but the revenue assessments should be light to enable cultivators to save in good years. To screw up the land-tax to the full amount and then to allow remissions when harvests fail, is to keep cultivators always on the brink of starvation. Lastly, the reduction of assessments in case of local deterioration is of course necessary. Wiser statesmanship should go further, and should permanently improve the condition of the cultivators, should give them clear, definite, and intelligible rights, and should provide them with complete protection against enhancements except on clearly defined legal grounds. This is what Lord Canning's Act of 1859 and subsequent rent acts have done for the Bengal cultivator.

The Hon'ble Sir Bipin Krishna Bose at the debate on the Budget in the Imperial Council on the 28th March 1900 said:—"At the old settlement, the total assets, including full valuation of sir, was Rs. 5,26,391 (paragraph 302 of the report). The Government demand being Rs. 2,50,934, the proportion it bore to the total assets was thus about 48 percent. As prospective profits from progress of cultivation and miscellaneous sources, for which there were large openings at the time, were not taxed, the burden of the Government demand became lighter year after year, until in the year precoding the new settlement, it was only 40 percent of the roy't's rents, leaving the remaining 60 percent and the whole of the sir and miscellaneous profits to be enjoyed by the Malguzars."

All these profits have been cut down in the settlement of the nineties and in the current settlement. The large reduction in the profits hitherto enjoyed, which these operations involved, is keenly felt by the Malguzars. The above statement shows that Malguzars enjoyed more than 60 percent of the village assets whereas in the current settlement it is reduced to 40 percent or even less.

In the Settlement Code which Sir Richard Temple issued with the sanction of the Government of India (vide paragraph 136 of his Administration Report for 1862-63), he laid down two important principles, which were to regulate the assessment of the Government demand. Those were (a) that the Government revenue should be about one half of the assets and (b) that the assets which were to be the basis of the assessment should be *well ascertained, real assets*. The first principle is embodied in what is known as the Saharanpur Rule 36 of 1855. Now it has been contended that the rule was only in force in that part of the province, which constituted the old Saugor and Nerbudda territories. Regarding the applicability of this Saharanpur rule, it is no doubt the case that originally it was introduced under the orders of the Lieutenant Governor of the N. W. P., in the Saugor and Nerbudda Territories which, before the formation of the C. P. Administration in November 1861, were administered as an adjunct of the N. W. Provinces. When however, these territories, along with the kingdom which had lapsed on the death of the Bhosla Raja of Nagpur, were consolidated under one central jurisdiction under a Chief Commissioner, Sir Richard Temple, the first Chief Commissioner, issued a code, which was to regulate the work of settlement throughout the newly constituted province. The only rule of percentage which finds a place in this code is the half assets Saharanpur rule. Its unqualified inclusion in the Code made it necessarily applicable to all the districts in the province, and not merely to the eight districts formerly known as the Saugor and Nerbudda Territories. Whatever authority it possessed, it possessed in an equal degree throughout the province as the administrator and the Code was one and the same for the whole province. It is difficult and untenable therefore to see how the case of the Saugor and Nerbudda territories can be differentiated from that of the old Nagpur Province of the Bhosla dynasty. Paragraph 319 at page 178 and the concluding portion of paragraph 142 of Chanda District Land Revenue Settlement Report of 1869, paragraphs 55 to 60 at pages 22 to 24 of

Sambulpur District Land Revenue Settlement Report of 1876-77 and paragraph 193 of Bhandara district Land Revenue Settlement Report of 1867 and paragraph 38 of Nagpur Settlement Report of 1867 and paragraphs 262, 263 and 302 of Bilaspur Settlement Report of 1867 and paragraphs 237 and 382 of the old Chindwara report amply bear out the fact that the half assets Saharanpur rule did apply to the Nagpur province of the Bhosla dynasty and the Chhattisgarh territories.

The first comprehensive settlement of the Central Provinces was made in 1863 to 1867. The malguzars of the Province were recognized as the proprietors of the soil and the settlement was made with them ostensibly on the principle of the Saharanpur rule under which the Government demanded half the rental of estates as the land revenue. The rental, however, which was taken as the basis of assessment, was not the actual. It was fixed by some process which is obscured by contradictory official accounts. But the result was that the Government apparently overlooked the Rule, and demanded a revenue larger than one half of the actual rental of the estates. As the settlement was made, however, for 30 years, the hardship caused at first was gradually removed as cultivation and rents increased.

When the time approached for the next general settlement of 1893, Sir A. Mackenzie, the then Chief Commissioner, felt unwilling to bind himself by the half-rental Rule; and found it difficult to ignore it in the manner in which it had been done in 1863. In his letter No. 531 S, dated 18th May 1887, which was signed by Mr. Fuller, it was stated:—

“It must moreover be realized that the system of settlement to which the Government has now by law committed itself will render it impossible to evade the operation of the half-assets Rule in the manner followed at the last settlement.....It would be safer to abrogate the half assets rule altogether than to attempt to evade it by the calculation of hypothetical assets.”

The Government of Lord Dufferin weakly consented to abrogate the healthy rule, and to fix the Government demand between 50 and 65 per cent of the rental. It is to the honour of Sir Anthony Macdonell, successor of Sir Alexander Mackenzie, in the Central Provinces that he reduced the maximum to 40 per cent in 1894 and did much to mitigate the harshness of the new settlement which had already commenced.

Then came the ungenerous order of Lord George Hamilton in 1895, that the period of settlement should be reduced from 30 to 20 years. Under the illiberal spirit of modern administration, the old healthy rules were one by one allowed to drop; the limit of the rental was increased to 60 or 65 per cent. of the rental; and the period of 30 years after which a promise of permanent settlement was given by Sir Richard Temple in 1862, was reduced to 20 years.

Mr. Fuller's letter No. 531S dated 18th May 1887 clearly goes to show that the half rental Saharanpur rule did apply to the Nagpur province of Bhosla dynasty and Chhattisgarh Territory. A reference to the reports of the settlement officers of the principal districts constituting the old Nagpur province of the sixties would clearly and definitely go to show that they considered this rule as applicable to their districts. Sir Charles Wood's despatch of 1164 laid down 50 per cent. of the rental of the economic rent as the limit of the land revenue assessment, and these limits were exceeded in our provinces. The people of the Central Provinces confidently hope that the half rental rule will not again be set aside in any future settlement but will be recognised by the statute although Lord Curzon, in paragraph 38 (2) of his land revenue policy dated the 19th January 1902, finally approved and sanctioned the half rental Saharanpur rule for the Central Provinces. In the settlement of nineties the land revenue was fixed at 65 per cent. of the rental whereas in the current settlement it is fixed at 62 per cent. of the rental including cesses which is far above the half asset standard.

Among all the professed Ryotwariwallahs who have made their appearance now and again in the official hierarchy of the Central Provinces, Colonel Keatinge (officiating Chief Commissioner, 1871-1872) and Mr. Pedder (Commissioner, Nagpur Division, 1871-1872) were by far the most notable ; but while Colonel Keatinge was an officer hardly known outside the province, Mr. Pedder was one of the standing revenue authorities of the Bombay Presidency, and, in the last few years of his life, was one of the authorities of weight at the India Office. In connection with the settlement of the Chanda District Mr Pedder examined minutely and from his point of view exhaustively, the whole settlement question of the old Nagpur Province. In his elaborate letter No. 1293 dated 6th April 1872, Mr. Pedder says :—

“ Para 29 :—But it would be an essential change in the principle of the present settlement, and would be looked upon as a breach of faith by the malguzars. Their position would be changed from that of landowners paying half the profits of their villages as assessment to Government, to that of hereditary servants receiving remuneration from Government.”

Para 31 :— .....Again, the system on which the settlement is professedly based is that of half assets ” .....

That half assets rule was, in his exhaustive and able report about Chanda, declared by Mr. Pedder to have been the “ professed ” basis of the settlement in the whole of the Nagpur Division, and he held that any subsequent tampering with that basis would be a “ *breach of faith* ” on the part of Government. Mr. Pedder said that even though a mere promise had been given to the Chanda malguzars and the final Government sanction to the Chanda settlement had not been accorded, yet any such tampering would be looked upon as a “ *breach of faith* ”. A much grosser breach of faith would be tampering obviously after Government sanction has been accorded to the settlement on that very basis.



The Government of India, as has already been stated, refused to commit any breach of faith and sanctioned the Chanda settlement on the half assets of proprietorship. It ordered (in the Resolution of 1875) that the "half assets proportion of the village profits for the malguzars should be maintained". This is the most conclusive and highest possible Government corroboration of the orders of Sir Richard Temple's Code about the half assets rule being the only rule authoritatively governing the Chanda settlement, and likewise the settlements in all the districts of the old Nagpur province.

Thus then for both the old Saugor and Nerbudda Territory and the old Nagpur province the half assets principle of the "*Saharanpur Rules*" was the primary and essential authoritative basis of proprietorship at the settlement. That was the basis of the solemn compact made in perpetuity between Government and the proprietors. Any amount of proof especially in regard to the Central Provinces, of the fiscal necessity of half assets rule may be put forward, but the half assets rule of the Central Provinces has now to be viewed not so much from the standpoint of fiscal necessity and adequacy, but from the standpoint of the good faith and honour of Government. And no man, be he English or Indian, may trifle with that standard good faith of modern civilization. Sir Richard Temple, a practical administrator of far greater genius than any one who has yet personal knowledge or experience opposed the half assets rule of the N. W. P., or the Central Provinces, carried out that rule from a conviction based upon a rare power of observation and the widest experience. So much is abundant in favour of that rule in both the provinces, and it is needless to cite further authorities or arguments. Sir Richard Temple was in need of practical solution of the administrative problem in the new province under his charge; he was master of all the facts; he knew the necessities and requirements of the situation and he deliberately adopted the half assets rule as a primary condition of all proprietary right as the only way out of the difficulty which faced him. To ignore the predi-

cament and the sore-needs of that time, to doubt the wisdom of the statesmanlike remedy adopted, to disregard the sanctity of the solemn compact then made by the Government and the absolute permanence of its stipulations, may be an easy thing to do after the principles of that very 30 years' settlement have consolidated revenue administration, but it would be flagrantly incompatible with the good faith of the Government so nobly upheld by Sir John Morris and with the word of Government so solemnly plighted by Sir Richard Temple.

In the Central Provinces, all experiments about the share of village profits to be allotted to the village farmers had been made before the recognition of proprietary rights; but the mere allotment of a share was never admitted to amount to a recognition of proprietary rights as in the N. W. P. All the experiments had failed in the Saugor and Nerbudda Territories; the 33 per cent. share had also failed disastrously in the northern portion of those territories; a further augmentation of the share was found indispensable. Whether the proprietorship was formerly declared or not the half assets rule with other adequate conditions would have been sufficient to secure the districts from fiscal disaster. The essential thing needed was the rule itself, its permanency and the permanency of the other adequate conditions. In this view the normal declaration of proprietary rights in perpetuity was the thing that gave formal stability and permanency the salutary rule about the share and to the other conditions which were meant to secure fiscal success. The proprietary rights were nothing without the half assets rules. Therefore in their high wisdom the Lieutenant-Governor of the N. W. P. in regard to the old Saugor and Nerbudda Territories and Sir Richard Temple in regard to the whole of the Central Provinces, ordered that the half assets rule should be the essential permanent condition of village proprietorship. It was not as if the village proprietorship was declared to be in perpetuity and the share of profits was not. That which made village proprietorship all worth the having was after full practical experience,

made the preliminary and essential condition of proprietorship in the Central Provinces, and the whole was declared to be conjointly in perpetuity. The half assets rule of the Central Provinces therefore stands on a higher pedestal than the same rule in the N. W. P. It stands on a firmer basis and its permanency is inviolable.

Sir John Morris wrote :—‘ when the good faith of Government is at stake, I do not hesitate to recommend that we should adhere to the *malguzari* system, although it may bring less land revenue to the exchequer both now and in future ’. This is a type which will be honoured and gloried by Indians ; which type has raised England to its proud and unique position in the modern world ; which type will be remembered with great gratitude by future generations both of Englishmen and Indians.

But if the good faith of Government is to be gloriously maintained even at such heavy sacrifice, as asserted by Sir John Morris how much more staunchly should it be maintained when there is no sacrifice to be made, when its maintenance is in thorough accord with the highest fiscal statesmanship, when its maintenance is the best way in which the interest of the village proprietors and the true interests of Government itself can be permanently secured ? The title then, of the half assets rule, as the antecedent *sine qua non* of village proprietorship in the Central Provinces, to be maintained in tact in perpetuity, is in a sense superior to the title of the proprietorship itself ; and to adopt an emphatic and just phrase that has already been used, that title is as immutable as the good faith of British Government. An incomplete and fragmentary presentment of this rule has of late caused an aberration in fiscal policy and a temporary deviation from rectitude of what Mr. Pedder, and Sir John Morris, and, indirectly, even the Government Resolution of 1875, have held up as the good faith of Government. But when a thorough elucidation takes place, there is no Government in the world that rectifies a lapse or an aberration more readily or more completely than the British Government. I therefore urge that the half assets Saharanpur Rule

including cesses should be at once introduced in our provinces and recognised by statute.

### **Land Revenue in kind and not in cash.**

To us again, it is a further matter of regret that the substitution of the system of paying the land revenue in cash for that in kind is having its pernicious effect on our ryot. Whatever may be the merits of the cash system it is to be feared, it is not exactly suited to the cultivators of the country. The "kind" system previously in vogue was automatic in its incidence and so far was most conducive to the happiness of the ryot. Whatever the condition of the crops, he had enough food-grain to last him for domestic consumption. If the crop was sixteen annas, he paid in proportion to the state in kind. If it was eight annas the proportion to be paid to the state would diminish. Thus the state dues fluctuated according to the condition of the crops, while the factor of food for annual domestic consumption remained constant. This system, in a great measure, tended to alleviate distress at the very outset of the scarcity. The cash system is wanting in this element and so far is defective.

This leads me to rivet your attention on the great danger looming in the near future in connection with our agrarian problem. It is, I admit, a gigantic problem and has been staring our rulers in the face for many a year past. Now and again palliatives have been applied by means of legislation. But palliative measures you will admit, are, after all, no permanent solution of the problem. A broad, comprehensive and practical solution is imperative, and it will require the highest experience and statesmanship to devise a remedy which may cure the disease, which is growing year by year and deepening in its intensity. I ask you to reflect on this grave situation, for, to my mind, the greatest danger to our country, in the near future, is what may arise from agrarian agitation. There is nothing like the rebellion of the belly. Let it be the good fortune of our liberal and

sympathetic Chief Commissioner, the Hon'ble Sir Benjamin Robertson, to inaugurate such a practical agricultural reform as may restore agricultural prosperity to this Province and extricate her royts from their present impoverished and distressed situation and earn for His Honour, a deep and lasting gratitude.

I would explain some practical difficulties and risks that come in our way in paying the land revenue in cash. The malguzars usually send the land revenue to the Tahsil Treasury on the fixed date but due to some reasons or the other at times the authority is unable to receive the land revenue the same day. The malguzar's man, having nobody acquainted with him at the Tahsil head-quarter, was obliged to return to his village with the money during that part of the night. Supposing he is robbed of the money in the way by thieves or decoits the Government is not sufferer and the malguzar in the long run is the loser. In order to avoid this risk of malguzar, I suggest that the land revenue should be collected in kind at each village head-quarter. Ancient Hindu and Mohamedau kings collected land revenue in kind at each village.

Lord Curzon in paragraph 16 of his resolution dated the 16th January 1902, said :—

“ The Government of India believe it to be an entirely erroneous idea that it is either possible or equitable to fix the demand of the state at a definite share of the gross produce of the land. There is great practical difficulty in ascertaining what the average produce is. It is dependant upon a number of varying factors, such as the industry and resources of the cultivator, the nature of the crop, the capacity, security, and situation of the holding and the chance of seasons. The share of the gross produce which a cultivator can afford to pay must stand in close relation and in inverse proportion to the amount of expenditure which has been required to grow it, and this will vary very greatly. The truth is that assessment of land revenue is subject to so many complicated and varying conditions that any attempt

to reduce it to an exact mathematical proportion either of gross or net produce would not only be impracticable, but would lead the placing of burdens upon the shoulders of the people, from which, under a less system, if sympathetically administered, they are exempt. Not must the influence of the personal equation be ignored."

It is entirely erroneous to say that it is neither possible nor equitable to fix the demand of the State at a definite share of the gross produce of the land. There is absolutely no great practical difficulty in ascertaining what the average produce is. This statement, in clear and unequivocal terms, asserts, as laid down in article 170, 196, 206 (9 and 10) and 217 of the Settlement Code of our province. the castes and occupations of cultivators and the social conditions of the landlords and tenants are among the factors which form the basis of the rule of rent enhancement in our provinces but not the actual outturn of the produce. This rule has produced a great dissatisfaction among the landholding classes as it is opposed to the broad and healthy principles laid down in different Government reports and policies. I think the assessment in our province was enhanced on this basis and it is why the increment is so high. Had the assessment been fixed on the actual out-turn of crops it would have been considerably decreased even below the assessment of 1890-1895 settlement. These articles coupled with the above Government of India resolution show that the object, intention and desire of the Government is, beyond all doubt, to tax other sources of income along with the land-tax and in a way to encourage frugality and thrift among tenants or landlords. The Government of India has been ruling such a vast Empire as India without any difficulty and without any impracticability for the last one and a half century I do not at all think that it is impracticability of the suggestion that the land revenue should be fixed at a share of the gross produce as laid down by the ancient law of Manu. I am strongly fortified in this opinion by paragraph 188 of the Bhandara District land revenue settlement

report of 1867 of our provinces which reads as follows " The crops grown on each field of village were recorded for a particular year, the total yield of all those crops was deduced and appraised. The proportion that I generally took was from 1/8th to 1/12th or in the very wild parts even lower ".

The ancient Hindu and Mahomedan kings assessed the land tax not on the frugality and thrift of cultivators but on the actual outturn of crops actually and appraised. They received the tax in kind and not in cash as at present. Up to the 13th and 14th century Raja Harihar Roy of Canora actually appraised the crops and fixed his share at 1/12th of the produce in kind only, but you know the adage that " where there is a will there is a way " ; and if this maxim is borne in mind and if the authorities take that view, and if they earnestly, and really attempt to find out a remedy to fix the State demand at a definite share of the gross produce as laid down by the ancient law of Manu, I am sure they will be able to find it and I am sure they will find no impracticability in the suggestion. In the first place it is clear, Government has no desire to fix the State demand at a definite share of the gross produce. The Governor-General in the course of his instructions to the Resident at Nagpur, dated the 7th March 1854, laid down that the guiding principle which should pervade the new administration was " to establish plain, simple and efficient regulations on the basis of the ancient usages and laws of the country ". This looked well on paper. But nowhere throughout India does the Government seem to have adhered, to this most salutary principle.

### **Appeals against assessment to independent tribunals.**

I urge that in the case of any difference between cultivators or proprietors and settlement officers in the matter of assesment, an appeal be allowed to an independent tribunal not concerned with the fixing, levying and sanctioning of the land tax. It is obvious that it is not

possible to improve the condition of the Indian cultivator without granting him some security from uncertain demands and harassing claims which are a ruin to agriculture and a bar to all improvements. Mr. Thomas Mervin Bird described in some detail, before a select committee of the House of Commons, the method he pursued in the great settlement which he effected in Northern India between 1833 and 1842. It was his policy to meet villagers, to consult them, to carry on discussions with them, from day to day, and virtually to obtain their assent to the assessment he made. There were men who followed this excellent system in Madras, when the survey and settlement of that province was first made after 1861. Settlement proceedings are now being carried on in our provinces as if they were a State-Secret. The people whose fates are determined by these proceedings, are jealously excluded from any knowledge of the proceedings. They are not consulted, they are not permitted to adduce facts, they are not allowed to know what is going on. The rents are compiled and corrected by the Settlement Officer, the land revenue is assessed by the Settlement Officer, the Report is drafted and submitted by the Settlement Officer in the dark—without consultation with the people. The report goes to the Commissioner for his sanction, and the people wait in ignorance and silent expectation. The Commissioner sends it up to the Chief Commissioner, and the people are still waiting in ignorance. When the Chief Commissioner has approved and sanctioned the new assessment, then the Settlement Officer first discloses to the bewildered landlords the new assessments on their estates which they shall have henceforth to pay.

Suppose the landlord objects to the new assessment. To whom does he carry his objections? To the Commissioner and Chief Commissioner who have already sanctioned the settlement. The assessment is as much their work as it is the work of the Settlement Officer; and it is obviously unfair that appeals against the assessment should be heard by them. They could hardly make large alterations in the settlement which they have already considered, examined,



approved and sanctioned, without stultifying themselves. Why should not such objections be heard by independent tribunals—judges experienced in Land Revenue work? The answer given by the Government of the N. W. P. is that to appoint such independent tribunals or land courts “might possibly touch the financial solvency of the Government.” The reason, though advanced by so high an authority as Sir Anthony Macdonell, appears to me incomprehensible. It can scarcely be that Revenue officers strain the rules unfairly in order to secure financial solvency. And it is difficult to imagine that British judges of high position and repute will strain the rules in an opposite direction to bring on financial insolvency. And yet it is necessary to make one of these suppositions to justify the present practice of permitting assessing officers to hear appeals against their own work. The people of India seek for justice; and the financial solvency, as well as the prestige of the British Government, is strengthened, not weakened, by a just administration. The people demand that the assessment of estates should be made in consultation with the assesses from the commencement, and that objections against the assessments should be heard by tribunals other than those who have made it.

### **Soil unit system.**

The soil unit system which was unknown in India does not suit the condition, customs, manners and usages of this country. It is the most complicated and most cumbrous, most imperfect and unreliable system that has been introduced in our provinces since the settlement of nineties. It is not clear, comprehensive, definite and intelligible to the cultivator as well as malguzar. It at last comes to the intelligence and discretion of the Settlement Officer after all the ado about scientific preciseness and so forth in the new system. All the science evaporates and terminates in a discretionary fixation practically at the will and pleasure of the Settlement officer. This system impoverished the cultivators and proprietors because it absorbed a considerably large proportion of

produce than the ancient law of Manu sanctioned as state demand. I am corroborated in this opinion by Sir J. B. Fuller who said:—"When all is done to make rent and revenue assessment as precise as possible, there will always remain a wide margin for the intelligence and discretion of the settlement officer. The weak point in the system is of course, the difficulty of framing the factors, the figures that is to say, representing the relative value of different soils, which are used as multipliers to reduce areas to common denomination of soil units. The results of actual crop cutting experiments are useful, but can never be sufficiently numerous to be really reliable."

Baden-Powell, at page 420 of Volume II of his treatise said :—

"We confess that we do not understand why, if the system of soil-unit incidence is to be relied on; so complex a method of enhancement is necessary; and it may be added that if it is necessary, it seems greatly to diminish the value of the system itself." He further said :—

"It is possible, however, that there are reasons for distrusting the unit incidence as a guide to assessment which are not at first apparent and it may also be that in some cases even a detailed scrutiny of individual holdings, fails to furnish rates high enough to yield a perceptible enhancement." This view of Baden-Powell has been confirmed by Pioneer and Leader of Allahabad dated the 30th January 1889.

To come to the Central Provinces orders regarding the classification of soils. The Settlement Code says :—

"S. 72. The classing of land will be effected by the patwari in accordance with the special rules framed for each district. Fields will be classed by entry in a classing statement and not by entry in column 3 of the khasra, which will be filled up in office after the classing has been finally passed."

" S. 73. The patwari will note in on the map the soil of each field as he surveys using abbreviations. This will enable Revenue Inspectors to check soils when they survey.

Mr. De Brett admits that the system of soil classification is somewhat complicated. It is however nowhere stated what assurance there is that the scientifically trained patwaris on 3 and 9 rupees pay per month do really understand this complicated classification and do really follow it faithfully. At page 6 of Jubbulpore settlement report of nineties it is stated " this system of land-classing no doubt complicates work," but nowhere again is it stated whether all the patwaris understand all these complicated distinctions thoroughly and whether they follow them with fidelity. At page 5 of Damoh District Settlement Report, after going through the stereotyped grade of description, the section closes with a wonderful sentence.

" The system of land classing adopted was, then, very complicated and served to bring out all the principal distinctions recognized by the people." And so throughout almost the whole range of the new settlement reports. This means that the classes are numerous and the distinctions are delicately shaded ; but they only give the principal distinction recognized by the people. That is to say, the people have more minute distinctions than these admittedly numerous and complicated classes of soils. Will any one with a real knowledge of the agricultural classes of the province seriously assert that this is so ? The fact is that the people know only a few broad distinctions in soil. These or early these were the classes wisely adopted at the settlement of sixties and yet the present settlement reports speak in terms almost amounting to contempt of the classification formerly adopted. Can it be seriously asserted that the "*New Patwari*" with his large circle, his paltry pay, his multifarious duties all perfunctorily performed, with his constant anxiety and efforts to increase his too slender authorised income, and with the best opportunity of creating a surreptitious income for himself during the settlement operations, can

really understand or accurately carry out these admittedly complicated distinctions, or does really care to do so. In knowledge of these soil classes, whatever they may be, it is the patwari who is confined to a single circle and has to go over each and every field ( whether he does it honestly or not ) that he naturally knows the classes of soil better than his Inspector who has to attend to an enormously large area hurriedly everywhere. Both may be ignorant of the "*complicated*" classes, but in the very nature of things, the patwari must be less ignorant. But the patwari, amidst, all the occupations legitimate or dishonest, already mentioned has hardly any leisure or inclination to use what little he knows. His Inspector who knows less, supervises his work. And the process goes on in an ascending scale. The Settlement Code directs that the partwaris should classify the soils ; that is, the patwari who gets Rs. 120-0 per annum or more in some rare cases. The above is what happens in the Central Provinces.

Mr. Stock, compiler of the Imperial Memorandum on Indian Land Revenue Settlement of 1880 thus speaks on the classification of soils :—

" The soil classes are those generally recognized by the people and usually are not numerous—simply following, under various names, the three main distinctions of clay, loam and sand." Sir Charles Elliot writes thus on soil classification in his Farukhabad Settlement Report of 1868-69 :—

" Now, the result, the assessment obtained, may be correct enough under such a system ; but the total obtained by a rate on soil treated in such a fashion is not an independent guide towards assessment, it is only a different way of expressing my views as to what the assessment ought to be. What a settlement officer wants is a real guide or check, independent of his preconceived ideas, a result which he can not manipulate and tamper with but which is worked out, as it were, by machinery, and is uninfluenced by his consciousness.....In the same way, a *produce rate* brings out an absolute result which you can not tamper with.

Now, I never hold with plough-rates or produce rates, and I always did hold with soil-rates ; but my soil rates were not independent guides like these, but the reflex of my own preconceived views.....This work employed a large body of men, I inspected on an average four villages a day, and kept 12 or more clerks at work on directing them-each village taking a man on an average about three days. I made out a rough assessment at the time, with rates which, though I had not finally approved them, I was inclined to adopt, and was testing thus day by day to see if they would work." In not one of the District Reports of the new or current-settlements is there to be found any account of any work by the superior officers even distantly approaching the painstaking and conscientious thoroughness of work like the above. In the Central Provinces then (1) soil classification is done by the low paid and ill-trained patwaris ; (2) There is a strong tendency among the patwaris to over-class in order to please superiors or for other reasons ; (3) The supervision is defective and perfunctory ; and (4) the upshot is that there is serious over-classing of soils with the result of exaggerated rent standards for the use of assessing officers. That is why I am disinclined to rely upon the soil unit system. In order to verify my statement I would suggest the appraisement of produce of some fields by arbitration and compare it with the soil unit rate and test whether my statement is correct or not. You will always find that the soil unit system always fetches more revenue to the Government whereas the produce rate which is the ancient system in India brings less revenue to Government. That is why the settlement officers are not inclined to follow the produce rates ascertained by appraisement.

In the Chief Commissioner's letter No. 2678, dated the 16th March 1888, to the Government of India, the following important admission is made in explaining the new system :—  
 "In calculating what would be a fair rent for a tenant's holding, no attempt is made to argue by induction from such considerations as the amount and value of produce, the cost of cultivation and the share of the net profits which might,

on theoretical grounds be reasonably taken as the rent". What does this go to show? I think it indirectly condemns the soil unit system which does not fulfil the above conditions and which is detrimental to the interests of the malguzars and cultivators and which is diametrically opposed to the ancient customs, usages and laws of the country. That is why I urge that the soil-unit system is unsuited to India and as such impoverishes the land-holding classes. The real guide in fixing the assessment is to appraise the produce and take harvest prices at the threshing floor, not average of other months.

### **Injustice of differential rates of assessment.**

In this connection, I would quote the exact words of the Jubbulpore and Nerbudda land-holders' Association in paras 12 and 13 of their representation to the Secretary to the Legislative Council, C. P. dated the 10th July 1915:--

"Assessments are generally made on the status of holders rather than on the status of their holdings. A poor man neglects his cultivation or his village and enjoys leniency, while the rich man tills his lands well, helps his village, and is subjected to heavy assessments. Whether it is an equitable assessment is open to question. The rich man has to pay other taxes and subscriptions for public objects, and is thus doubly taxed.

The land should be assessed on its own merits and not on those of its owner. Strictly speaking, land should be valued on the original capability of the soil. If its condition is improved by the expenditure of capital, such condition should not be taken into account in the assessment.

The North-Western provinces were the original model for the Central Provinces, and I cite below passages showing how it is there. Mr. Vincent Smith, the able and painstaking civilian who wrote the exhaustive Manual for settlement officers in the N. W. Provinces, says at page 196 his Manual:--

"The reader will observe that the weight of opinion is decidedly against differential rates of assessment..... The fact is that when the revenue is assessed at 50 per cent of the rental actually realizable and heavy cesses are taken in addition, there is very little left for the land owner".

According to my information on the subject, I gather that in the vast majority of instances in the C. P. nothing is left to the land-owner in the current settlement. I reproduce the views of Sir Charles Crosthwaite, who was for a time Chief Commissioner here, and of Sir Auckland Colvin, a noted financier, who had an unsurpassed knowledge of settlement work. Sir Charles Crosthwaite said :—

"The question of assessing Talukdars or proprietors of large estates on different standard from the small proprietors is a very different one. Probably every one is a little harder on a large proprietor who has the means to coerce his tenants and can afford to go to law with them. But to assess a man to a larger amount simply because he happens to be well off, savours rather of communism, and is, I think, radically unfair. The assessment should be guided by the valuation of land, and not by consideration of the person who owns it. To assess a man heavily because he is rich, is as unjust as to assess him severely because he is very skillful and industrious. We have given up the latter error, do not let us adopt the former". (vide page 126 of Vincent Smith's Manual). Sir Auckland Colvin said :—

"I do not think that we can adopt differential rates of assessment. We assess on the land, not on the turban. The largest properties subdivide ; the smallest properties pass into single hand. The claim of the Government is on the assets of the soil, not on the assets of proprietor. To graduate the assessment by the owner's means would be not to base it on the land, but on the land and plus the proprietor's circumstances. The last element is one which an unscrupulous Government may admit, but which does not enter into the Eastern theory of the claim of the state on the soil. If the proprietor varies it is with the quality of

the soil not with the quality of the passing proprietor." (vide page 200 of the aforesaid Manual). Articles 170, 196, 203 (9 and 10) and 217 of the C. P. Settlement Code are diametrically opposed to the above sound enunciation of the principles and it is hoped that Government will keep these considerations altogether out of view. This method of differential rates of assessment impoverished the malguzars and cultivator who have suffered heavy losses year by year. This policy of assessing on the status of the malguzar and cultivators is most dangerous to the welfare and prosperity of the land-holders and it is also contrary to the customs, laws and usages of the country. I respectfully appeal to the Government to immediately discontinue this policy and score out the above articles from the Settlement Code.

I further point out that the new C. P. Land Revenue Act will be a disappointment if the suggestions stated above are not included in it. They are most practicable suggestions in the interests of the State as well as the cultivator. I hereunder summarise the most reasonable demands of the people of the Central Provinces with a request that they may be accorded Statutory recognition in the Act itself without leaving it to the discretion of the Executive authorities :—

- (a) That the Malik-nakbuza right shall not cease to exist even if a member of the proprietary body purchases it ;
- (b) That the land-tax shall be assessed according to the ancient picture of the Hindu society presented by the Code of Manu varying from the twelfth of the produce in times of prosperity and peace to one-fourth in times of distress ;
- (c) That no fallow or waste lands shall be assessed ;
- (d) That the siwai income should be totally excluded from the village assers ; in as much as (1) it does not add much to the assets, (2) it cannot be properly calculated and has been much exaggerated, and (3) the impoverished condition of the malguzars and agricultural classes requires its exclusion ;



- (e) That Sir and khudkast lands shall be lightly assessed if not permanently unassessed ;
- (f) That no cesses or special taxes in addition to the half-rental rule shall be imposed on land except for purposes directly benefiting the land ;
- (g) That taking a fair and statesmanlike survey of the whole situation in the Central Provinces, of the past fiscal history, of the present embarrassments, of the future prospects, the province very badly needs the boon of permanent settlement ; if this is not possible, the land may be assessed according to the proportion of produce to the rent as prescribed by the ancient law of Manu or the Mohamedan law or Hedaya ;
- (h) That where the State receives land-revenue through malguzars or landlords, the Saharanpur rule limiting the State demand to 50 per cent. of the rental including cesses be universally applied ;
- (i) That improvements shall be permanently exempted from assessment to revenue as laid down by the Government of India Land Improvements Resolution No. 6-193-2 dated the 24th May 1906, as recommended by the Famine Commissions of 1880, 1899 and 1901 in paragraphs 315 and 316 of its report and by the Irrigation Commission of 1903 in paras 179 and 180 of its report and as laid down in section 11 of the Land Improvement Loans Act 19 of 1883 ; in this connection I would point out that the whole survey number should be exempted from land-tax even if the improvement is effected in a portion or the whole of it ; this is the equitable view the Government of India has adopted in its resolution dated the 24th May 1906 ;
- (j) That every holder of land paying revenue in respect thereof shall be entitled to a decrease of assessment either in whole or part if the whole area of his holding or any portion thereof is lost

or diminished by diluvian or fluvian action or otherwise, or the soil is permanently or temporarily deteriorated or impoverished by constant cropping. This prayer is in accordance with para 37 and 38 (13) of the Government of India Resolution dated the 11th January 1902 and Emperor Alumgeer's Firman Nos. 4, 10 and 18 to Mahamed Hussain in the year 1668-69; Bombay Land Revenue Act also contains a similar provision ;

- (k) That the Government shall receive the land-tax in kind, and not in cash, according floor which will obviate the many disadvantages and inconveniences as at present entailed upon the malguzars and cultivators ;
- (l) That the Government shall demand no land-tax from the malguzars or the cultivators whenever a famine appears or the crops fail by drought or are damaged by floods, blights, excessive rains, frost, hails or insects as the case may be ;
- (m) That in case of any difference between the cultivators and the settlement officers in the matter of assessment an appeal be allowed to an independent tribunal not concerned with the fixing, levying and sanctioning of the land-tax ;
- (n) That the Patwari work should be made amenable to the inspection and control of the malguzars who should be thus trained to personally attend to village statistics ; and to check the correctness of returns and reports which affect them and their villages vitally and all village administrative and annual village papers should invariably bear the signatures of the malguzars to avoid fictitious reports being entered therein ;
- (o) That every village should have a fair and reasonable unassessed area of pasture land for cattle-grazing and collection of manure without which the cultivation of the village will never flourish,

These are the most important factors in the process of cultivation and every sympathetic consideration should be given to it;

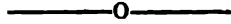
- (p) That the people, whose interests are likely to be affected by any assessment should be given an opportunity to have their objections heard in a public enquiry before any proposals for reassessment are submitted for orders ;
- (q) That generally all irksome restrictions and interferences should be removed and the malguzar's full freedom and liberty in the village should be left untouched ;

In praying for codification, we asked what the Royal Commission upon Decentralization had already recommended in paragraph 252 of its report, namely, that the general principles of assessment, for instance, as the proportion of the net profits on the lands which the Government shall be entitled to take, and the period of settlement should be embodied in the Provincial legislation instead of being left to Executive order.

If the recommendations of the Royal Commission upon Decentralisation were to be disregarded, there was no necessity to appoint such a Commission to make a travesty of its recommendations after spending large sum of public money over it. With this conception or an ideal before our mind we find it impossible to accord to many of the provisions of the Land Revenue Bill our unhesitating and unqualified approval. We yield to none in our desire to see a statute for the reform of the C. P. Land Revenue system as free from objection as possible and we have striven to attain that object to the best of our lights ; and we confidently hope that our endeavours will be wholly successful. We are about to make a great experiment and let us hope that our fears and misgivings will prove unfounded. If the provisions of the Bill help in any measure to secure the realization agrarian welfare, the promoters of the measure will rightly have earned the lasting gratitude of the future generation of the

agricultural class ; if on the other hand these provisions in any way injure and retard, as they well may, the cause of agrarian welfare and progress, the obloquy and reproach of the measure must necessarily attach to the same individuals. I would therefore remind the Government the dictum of the Duke of Argyll, that promises once given by the Government, however long ago, must be absolutely kept. I confidently trust that Government will show every sympathetic consideration to my suggestions in regard to this Land Revenue Bill which is a vital question for the masses.

# The Imperial Legislative Council Election.

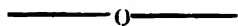


*(Hitavada, 15th July 1916.)*

In view of the forthcoming election, I should like to draw the attention of the voters of this Province to a few practical points. The franchise which voters enjoy is a sacred privilege and it should be exercised with care, caution and responsibility. Neither money, favour, influence nor pressure can purchase a truly honest vote. The voter ought to realise his sense of responsibility in the matter and his obligations to the constituency he represents. Such a voter cannot fail to make an appropriate choice. As for the candidate who seeks the suffrage, he should be a public-spirited gentleman of good moral character, well informed and sympathetic and patriotic enough to subordinate private and personal interests to the larger interests of the public. Various are the motives that influence candidates for the honor of a legislator. Though it is hard to find entire absence of personal motives in any candidature it can at least be expected that the best of the candidates in the field should receive all possible encouragement and support at the hands of intelligent voters. If each voter knows well his duty and does it properly, attention to the best interests of the property, attention to the best interests of the public is assured, and civic life would be purified.



## C. P. Land Revenue Bill.



*(Hitavada, 12th August 1916.)*

I read in the last issue of your paper the leading article in the C. P. Land Revenue Bill with no little surprise. It does not matter if the proposal to have the principles and period of assessment embodied in Statute even if it is carried by the non-official majority of the Council, is vetoed by the Government of India ; but it must be remembered that the moral victory will be ours. The Public would know the attitude of the Government of India if it were to veto the bill passed by the majority of the Council. It will not be proper on the part of the Government of India or the Local Government to altogether ignore the popular opinion in this question dealing with vital interests of the masses. We had, during the last 54 years, sufficiently yielded to the rule-making power of the Government which was subject to constant vacillations and which has brought the peasantry of this province to a low level of prosperity. It is therefore not desirable, in the interests and well-being of the people, that the non-official members should yield the point. The non-official members should press the point and fight out the case in the Council with manly attitude, regardless of consequence as unanimously decided on the 2nd instant by the landholder delegates of this province at the Hon'ble Mr Dixit's residence. The past experience shows that to trust to rule-making power only on such a vital question is unsafe and dangerous.



# State Management of Railways.

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*(Reprinted from the Hitavada, 16th September 1916.)*

It seems to me that the question of the nationalisation of railways has become one of the questions of the day. It occupies, a foremost place in the ring of public questions in almost all countries including England. The countries in which company management obtains or is still predominant are dwindling in numbers every year. The total addition to the family of great nations is Japan. It took up the nationalization of its railways soon after the Russo-Japanese War. As to the Railway construction in this country, the first proposal came from a Company about the year 1843-44 during the regime of Lord Hardinge. At that time the Government did not know exactly the possibilities of railway enterprise in this country. India was then still in the making, geographically and politically. The British India of that time was not the British India of to-day. However, the Company's proposals were subjected to much scrutiny and criticism and at the end with some modifications accepted. But the leading powers, that the Government of India from the first reserved, were the power of control and the power of purchase at particular periods.

That has continued to be the leading policy; that is, the power of the State to purchase railways on certain conditions and at certain stated periods, has all along remained the main policy of the British Indian Government. At first it was entire management by the Company under the guarantee system; then, for about ten years, from 1869-70 until the time of Lord Ripon, both construction and management were entirely by the State. Certain circumstances over which the Indian Government had no control, made it necessary to relapse into the old system of Company construction and management, and that continues more or less to be the policy at the present day.

My humble submission as regards the whole question is that Company construction and management, which arose in England under very special circumstances, came to India quite as an accident and not that Government, wanted Company construction and management. As early as 1853, Lord Dalhousie laid down the principle that the maintenance and control of the railway system should be in the hands of the State. This resulted eventually in the State constructing and managing all railways between the years 1869 and 1879. It was Lord Lawrence also who wrote in 1867 a very able minute on the question of Company Railway versus State Railway, strongly advocating the entire reversal of the existing policy and replacing it by a system of State construction and State management. His policy was accepted by the Duke of Argyle and remained in force for ten years.

Meanwhile difficulties arose : famine, war, the currency question, the borrowing powers of the Indian Government, all these conspired to make the Indian Government give up the new system and relapse to old system of Company construction and management. The question of railway policy may be dealt with under three heads :—(1) absolute autonomy by private agency as in the United States, (2) limited autonomy by such as in England, and (3) entire State construction, State management and State development, as in Belgium and Prussia. I plead that the system obtaining in Belgium and Prussia is the best, having regard solely to public welfare. So far as the system which obtains in India is concerned, it is a mixture of these three systems. It began with Company management including Company ownership; but the ownership was actual for Companies and potential for Government and gradually and eventually it has become both actual and potential State ownership, and management is now partly by the State and partly by Companies. I think the time has now come for a final decision as to whether this mixed management should be continued at all and whether a sound State management of all the railways could not be devised. I need not quote any



authority for the position I invite Government to assume, but I believe the Special Commissioner for Indian Railways, Mr. Thomas Robertson, recommends in my humble opinion, by implication, that State management is wrong; that the Government must either go back entirely to Company management or entirely go to State management. I think it is too late to go back to entire Company management and quite undesirable too. Elsewhere he says that a State line is an object lesson, and as a model of good management is necessary. Putting the two statements together, I take it that his recommendation is that the State should take the management of all the Indian railways into its own hand.

The advantages that I expect will result from entire State management are (1) The saving to the State of the share of profits now paid to the Managing Companies, (2) the development of trade and Commerce on natural lines, instead of the present artificial diversion by means of block rates, (3) The growth and development of industries especially in the interests of this country, (4) the promotion of inter-provincial trade, (5) the centralisation of control in a single State Department located in India and amenable to Indian public opinion instead of to Boards of Directors in London, (6) the utilisation of the entire rolling stock as one system, (7) improvements of rates and fares of goods and third class passengers, (8) proper accommodation of third class passengers, (9) larger employment of Indians in the lower and higher services of the Railways, and (10) impartial treatment in the supply of waggons to European and Indian firms alike and the discontinuance of the practice of giving undue preference to certain firms.

The saving to the State under item 1, namely, the share of profits now paid to Managing Companies, is a very important factor in the determination of this question. The Government of India have been during recent years providing large capital expenditure for the development of railways in India and for the more efficient working of the trunk lines. The annual figure for the year 1914-15 had reached 12 million pounds although it may be less for the

last two years owing to the outbreak of war. In providing these large sums of money for the more efficient working of State railways trade has been undoubtedly helped, but at the same time the share of profits going to Managing Companies has largely increased. In the year 1909-10 the amount paid to Managing Companies as their share of profits was 18 lakhs of rupees. In 1912-13 it went up to one crore and 6 lakhs and in 1913-14, 66 lakhs for 9 months, which if the same average is maintained would work to about 88 lakhs per annum. There will therefore be a substantial saving at the time when all the trunk lines are taken over by Government, a saving of about a crore of rupees to the State on the present basis, which cannot possibly be regarded as a negligible quantity. The loss of one crore of rupees, I am sure, Government cannot look upon with complacence. I am certain that the Government of India cannot conscientiously allow a crore of rupees to be given away year after year as net profits to Railway Companies, when that crore saved and spent upon the education of the people can, in the course of a few years, change the face of the country, by rescuing the people from the ignorance in which they are steeped and the misery and helplessness to which they are consequently exposed. That will be the certain initial gain. But I claim that if the State takes up the management of its railways from Companies the net profits will steadily increase. Under the prevailing system the working expenses have been growing enormously; under the system I advocate, they would be sensibly cut down. There would be more economy, *i. e.*-less expenditure, more economy and larger profits; this will be no mean advantage.

I would call the attention of the Government to a few points in the Indian railway administration, which I believe, will show that the companies have not as yet achieved and will not, in my humble view, ever achieve, all the possible and necessary reform which the State can alone achieve. The management of Indian railways by Companies was never up-to-date in comparison with the advanced countries of the world. I will take a few instances. As regards fares

and rates, Mr. Thomas Robertson institutes a comparison between fares and rates in England and America on the one hand and in India on the other and say, having regard to the cost of construction and the cost of working, Indian rates are excessively high when compared with the rates in those countries. If he had taken the purchasing power of money in these three Countries into account he would have found that the rates in India are much higher than he found them to be. Then we have the doctrine about the minimum rates. This is an extra-ordinary doctrine, and is entirely a creature of the guarantee system. Under this system, when any Company thought that it would not get dividends beyond the point guaranteed, or even upto that point, it was to their interests to so work the Company as to secure a good dividend below that point, because they were sure of the guaranteed proportion from Government, hence the Government in the tax-payer's interest was obliged to devise the means of minimum rates. This unhealthy doctrine will be wholly unnecessary if Government takes the entire management into its own hands. I am decidedly in favour of State managed railways. Because in point of efficiency of administration, in point of the greater and wider employment of our countrymen in the railway administration, the State ought to take the entire management of railways in its hands. Companies want to make money. They are here for money making ; we ought not to object. They have a particular object, while the Government has a totally different object. The first consideration of the Government is public convenience. Finance is subordinated to public convenience ; finance is a consideration occupying an inferior status as compared with public comfort and convenience. Therefore when the conflict is between dividends on the one hand and public convenience on the other, I am perfectly certain that the Government would give preference to the latter. Therefore it seems to me one principle that it is desirable that railways should be managed by the States ; and the principle is corroborated and confirmed by what we see before our eyes in the State-managed railway adminis-

tration. Greater attention is paid to the comfort and convenience of passengers on State-managed railways than that on company-managed railways. Therefore, having regard to the fact that Government will be very responsive to public opinion, that Government will give wider employment to the people and that Government will prefer public convenience to dividends, I unhesitatingly declare myself in favour of the State management of railways.

The next point relates to the establishment of a railway clearing house. Mr. Thomas Robertson is for such a clearing house, and suggested a Committee to make proposals for the establishment of one. In England, the establishment of a railway clearing house has done immense good in saving labour, time and cost, and the saving of the cost was from 30 to 60 per cent. The establishment of a clearing house for railways in this country was once proposed by the Government of India, but the Companies resisted the attempt, and as usual they had the best of it with the Secretary of State. The Secretary of State did not find sufficient evidence to agree with the Government of India, and the proposal fell to the ground. Nothing shows more clearly than this that the Government of India has been on the whole powerless in its relations with the Companies in effecting reforms in the management for the good of the people of India. All that I say is that if the management goes entirely into the hands of the Government of India, it will have exclusive diplomatic influence with the Secretary of State. At present the Companies have tremendous influence with him and in England generally. The directors and large shareholders are in both Houses of Parliament, and whether we know it or not, in railway matters between the Secretary of State and the Government of India, the Companies must have and will have the best of it. The entire management by the State will annihilate this incubus of unforeseen force acting between the Government of India and the Secretary of State in England to the immense prejudice of India.

The next point I wish to take up, is Company management in reference to third class passengers. The chronic

over-crowding of third class passengers still continues. The condition of the Indian third class passengers from the moment of their attempt to purchase tickets up to the time they alight somewhere and hand over their tickets is very miserable. The manner in which tickets are issued to them in almost all the stations is pitiable in the extreme. Tickets are issued only a few minutes before the arrival and departure of the trains. At present the interests of passenger are not much cared for. The third class rate ought to be lowered. It must be brought down to  $1\frac{1}{2}$  pies per mile throughout, at present some Railway are quoting the maximum of  $2\frac{1}{2}$  pies per mile. On every railway of which the State takes up the management, the rates should be at once made uniform and reasonably low. This will not involve loss to the State.

To my mind we want another and a cheaper class, a class for labourers in India. This can only be done by Government in public interest because, for some time in the beginning, there may appear to be a falling off in the dividends and no company will introduce this reform. We want labourers' trains for two purposes; for taking people to short distances during harvest days and so forth from congested portions to portions where labour is needed. We also want labour to be taken from one part of India to another part, say to mining concerns, mills, gin factories and Tile and Brick manufactures, &c., on very cheap return tickets. This will also effect the problem of emigration to the west, the Far West and South West. The Railway improvement will put one means in the hands of Government to deal with the problem of emigration in a very satisfactory way. There is also a great and increasing demand for labour by the mining community and other communities, I will say even by the merchantile community in India.

The change advocated is not less peremptorily called for in the interests of Trade. The need for it here is greater. There are differences in rates that cannot be justified for a moment; there is an absence of the right principle in fixing

them. Rates for raw exports are more favourable than rates for finished articles; rates for foreign imports are more favourable than rates for indigenous articles and for inter provincial trade. All will be surprised to hear that the rates for imported wines and spirits are of the first class, namely,  $\frac{1}{3}$ rd of a pie per maund per mile, while the rates for some indigenous articles are of the 4th class, namely,  $\frac{1}{4}$ ths of a pie. Wines and spirits imported from abroad are thus far more favoured under the present system than some of the indigenous articles which the vast millions of this country need for their daily use. The rates for ghee, an essential article of food for the people and for oils, are very heavy, while the rate for oil-seeds is very low. There is no doubt a Central Classification Committee which fixes rates, but notwithstanding that, there are these anomalies, and these would certainly be avoided and corrected if the Government took over the management of all State railways in its own hands and put an end to the competition between the various Companies. I would also draw the attention of the Government to the admirable and instructive series of articles published in the "Empire" of Calcutta by our worthy and eminent citizen of Calcutta, Mr. R. D. Metha, C. I. E. pointing out a number of anomalies and flaws in the methods followed by Indian Railways, especially those connected with rates for the carriage goods. He has thus done yeoman service to the country, Sir, F. F. S. P. Lely, our late Chief Commissioner who knew the Indian people intimately and entertained deep sympathy for them, in his book entitled "Suggestions for the better governing of India," observes:—"The Traffic Manager wields an irresponsible power over the country commended by his Railways which should not be entrusted to any man, and least of all to one who rightly from his own point of view regards nothing but his masters' dividend under certain wide limits set down by Government. By a slight readjustment of rates he can, and sometimes does crush, a rising home manufacture in favour of a foreign customer. An amended Code of Civil Procedure occupies for days and

months the wisest of the land, but is of less practical consequence to the people of a district than the local goods tariff book." This is the opinion deliberately expressed by a very high Government Official who spent the best years of his service in India, moving in the District and watching the needs of the people.

Coming to the doctrine of risk note, I have never been able to understand it. The Railway says "if you give me certain rates I will be responsible for due delivery, but if you give me inferior rates, I will take your things to be carried, but if I lose them or damage them I will not be responsible." The custom in many other countries is more natural and equitable. For reduced rates they give guarantees upto a particular stage, for higher rates they give more. But in India they would give none at all for inferior rates.

Another aspect is this :—rates fixed hitherto were often influenced by rival doctrines and rival policies between Chambers of Commerce in India. My belief is that Indian railway management has not yet been affected by general public opinion at all ; but to a very limited extent only by Chambers of Commerce. In Prussia and some other places they have advisory boards to work along with the Minister for railways, representing every industry, such as agriculture and mining. These representatives form together advisory boards the Minister of Railways works with the latest and freshest ideas, ever in public interests, and the result has been stated to be in the highest degree satisfactory. One of the prominent Ministers in England, Mr. Lloyd George, praised the system in Prussia to an extent which I have never before read.

The most important point to which I would invite attention will be a larger and wider employment of Indians to higher and lower offices on the Railways. It is notorious that at present the numbers of Indians who receive appointments on them in the higher grades is very small. The Government, I am thankful to say, have taken note of this fact, and have done something to improve matters. I hope

that improvement will continue, but the present state of affairs is deplorable. Not only is the numbers of Indians employed very small, but the few that are employed do not receive fair treatment. As an instance, I may mention, that the Great Indian Peninsula Railway exchanges passes for Eurasian Employees of the other railways with its own, but it does not issue exchange passes for Indian employees. Indians therefore suffer doubly under the existing system. State Railways will be the means of providing employment for a large class of the people of India, educated, semi-educated and entirely uneducated, to a degree which the Companies have not thought of and never will think of. This is a very important aspect of the whole problem. It would be highly beneficial to the whole country economically and I would even say politically. We have often heard it said that it is dangerous to leave educated people and half-educated people unemployed. Now this is a department which answers the purpose very well. The discipline there demanded is inferior only to the discipline demanded in the Army and the Navy. The discipline to which these people would be subjected if they wished to remain in the department would be highly beneficial in developing their moral character. That is one gain in itself and a very great gain. On the other hand it will also develop administrative talent in the highest degree, by finding an outlet for its play and development of their talents to a very remarkable extent. Indian talent will be developed to a degree hitherto not attained generally in this country if the present mixed and unsatisfactory policy is abandoned. Company management will not provide for such play and such development for the children of the soil. This vital aspect of the future railway policy cannot be lost sight of, and must occupy a prominent place. I think, it is possible to adduce more points and



more arguments in support of my position. But for want of space I would reserve it for a future occasion.

The future of railway policy will be exclusive State management and development. Among the file of the literature will be found Minutes and Despatches strongly advocating State management, State construction and State development to the exclusion of the private Companies. I therefore respectfully submit that, for all these reasons, I have made out a sufficient *prima facie* case for the State management of Indian Railways.

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# State Vs. Company Management of Indian Railways.

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(Reprinted from the *Hitavada* 30th Sep'tember 1916).

## II

I propose to give the opinions of some of the eminent authorities in the matter of efficiency and economy of State management of railways in India. In the evidence recorded before the Select Committee on the East India Railway Communication in 1884, I find most of the witnesses, who knew Indian Railways well, spoke very highly and favourably of State working. I quote below a few of such opinions. I take first the evidence of General Richard Strachey, and give below *in extenso* the questions put by the members of the Select Committee and the answers given by the witnesses:—

Q.—Then in point of fact you do not think railways can be worked more economically by companies than by the state?

A.—No, as matter of economy I think not. I think our statistical returns give perfectly satisfactory results for State railways.

Q.—You think the railways would be of greater use to the public if in the hands of the Government than if in the hands of private companies?

A.—I think the balance would be in that direction.

Q.—You think that the public might obtain greater advantages from Government than they would be able to do from companies?—

A.—I am sure they would.

Q.—Then I come to another subject, that is, as regards the use of public companies in constructing public works in

India. You have had a very long experience in regard to public works in India, and I want to ask you, not taking the railways alone, but taking public works generally, whether (putting aside the regular guarantee railway companies, and taking rather the companies which have undertaken the works more in the nature of private enterprises) your experience has been favourable to private enterprise, and whether you have not generally found that companies deal with works in India, having their head-quarters in London, proceed upon the "heads I win, tails you lose" principle; that is to say, if they get a profitable thing, whether they do not hold on to it and try to make the very utmost of it without regard or the benefiting, or otherwise, of the people in India and whether if they find that they are likely to lose, they do not throw it back upon the Government of India and insist (and successfully insist) upon being compensated and recompensed out of the finances of India?

A.—That is perfectly true; I agree with every word of that, and that is one of my strong reasons for objecting to entangling ourselves any more in the way of guarantee."

General Richard Strachey held high offices under the Government of India from the year 1858. In 1884 he was the member of the India Council in London and finally he was the chairman of the East Indian Railway Company. He was the joint author of the well known book 'Public Works and Finances of India'. His opinions carry great weight. Now I will give extracts from the evidence of the late Major Conway Gordon, R. E. who was at one time Director-General of Railways in India and was one of the witnesses on behalf of the Government of India. His opinions also must carry great weight.

Q.—Will you now give the committee your opinions regarding the disadvantages of having the Indian Railways worked by commercial companies?

A.—First, that the object of a private company will naturally be developed dividends; that as long as the maximum dividends be secured, the company will be indifferent

as to whether that dividend is derived from a small traffic at high rates, or a large traffic at low rates; secondly, that it may often be the true interest of a company as a dividend seeking—concern to charge such high rates as may be sufficient to contract the export trade in some particular article of produce, or such rates for the carriage of coal as may tend to strangle the industries in other provinces; thirdly, that the desire to secure a good dividend on all occasions naturally tends to make the servants of private companies very cautious in trying experiments towards reducing rates and fares; fourthly, that every rupee taken out of the country by an English Company, in excess of the normal rate of interest on the state debt, constitutes practically a direct tax on transit which must of course, have its effect on checking the export trade, and on the general development of the country; fifthly, that where a company is given a fixed guarantee of interest, as long as the net profits of the line are not in excess of the guaranteed rate of interest there is no incentive towards economical working. These are all disadvantages.

Q.—In your opinion has India practically suffered from those disadvantages?

A.—I think it has, on the second and last counts, certainly.

Q.—What are the advantages gained by the public by the state working the railways?

A.—I think that the advantages of state working are:—First, that it may often be to the advantage of the country, as a whole, for Government to lower the rate, and to work at the lowest possible margin of profit, thus accepting a slight loss in the railway receipts, in order to secure an advantage in some other respect either to encourage the export trade in some particular staple, or to foster some new industry;

Secondly, that it is to the advantage of every country, and particularly of India that the railways should be worked so that they may pay no more than their working expenses including interest at the normal rate on their capital, all

additional profit being nothing more than a direct tax on transit;

Thirdly, that Government has a larger selection of officers to choose from, all of whom are more or less acquainted with the customs, the habits and the language of the country, and that when the supply of these officers fails, Government can avail itself of the services of precisely the same staff as is available to private companies, and at lower rates of salaries;

Fourthly, that, generally speaking, the state has in the working of railway all the advantages over private companies that may be claimed for working on a large instead of, on a small scale.

These appear to be the advantages gained to the public by the state working the railways."

In answering further questions, Major Conway Gordon expressed the opinion that on the whole, the advantages to the public are in favour of the state agency, on the main ground that the companies work to develop a dividend and not to develop the country. He further expressed the opinion that *"if you could get any popular or representative system of railway administration devised, it would be better for the country to have state rather than private enterprise in railways."* Sir James Caird K. C. B. in answering a question said; "I think if the Government, instead of having the command of only one line, had the command of all lines in India their interest would be to make them all work to the greatest advantage" I can give more of such opinions, but the efficiency and advantages of Government working the railways, is, to me, so patent that it is unnecessary to multiply opinions.

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# State Vs. Company Management of Indian Railways.

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( Reprinted from *Hitavada* 14th October 1916.)

## III.

In the articles under this heading which have appeared in the *Hitavada* dated 16th and 30th September 1916, an attempt has been made to show that, in the best interests of the Indian people, who have borne all losses and charges on account of the Indian State Railways from their commencement, it is imperative that the management of such of them as are worked through the agency of companies should be taken over by the Government at the earliest possible date. The experience gained in India and in European countries fully justifies this course. Any one who has a lingering doubt of the great advantages accruing from the State management of railways, will do well to read the excellent volume of 361 pages ably written by Carl S. Vrooman on "Government Regulation *versus* Government Operation of Railways", and published by Oxford University Press, which furnishes an overwhelming evidence of the abuses of numerous kinds which are possible under company management of railways even under Government regulation. The volume clearly shows that Government ownership and Government working of railways is the best ; that by studies in comparative efficiency and all-round satisfactoriness, it has been clearly demonstrated that in continental Europe, State railways as a rule, furnish better transportation facilities and charge lower rates than do private companies ; that in connection with the State railway managements examined, there exists practically nothing in the nature of a "spoils " system to prevent them from securing efficient officials and employees ; that graft

and corruption are much less frequent in connection with state railways than with private ones ; that travel is much safer on Government roads than on private lines ; and lastly that State railways, instead of being troubled with deficits which have to be made up from the hard-earned shekels of the tax-payer in a large majority of cases, have made an entirely satisfactory financial showing ; and in some cases, notably that of Prussia, have lightened the burden of the tax-payer enormously. If there exists any inherent advantage, therefore, in the one system or the other, continues the author of the book just named, such advantage assuredly is to be found in the system of public ownership and operation of railways.

The aim of State railways is essentially different from that of private ones. The supreme object which private companies have in view is profits, though their managers recognize that in order to gain these profits they must furnish the public with a service that is not too unsatisfactory. Likewise, the supreme object which Government management have in view is the public service, though their managers recognize that in order to make that service permanently satisfactory and increasingly efficient, they must assure themselves a reasonable remuneration. In a word the companies charge all that the traffic will bear, whereas the Government gives all that the rates demanded can be made to pay for.

A recognition of the important distinction may not, of course, remove the objection that some Government railways do not attain quite as high a standard of economic efficiency as private ones ; but the developments in the form of organisation adopted by State railways administrations in Switzerland, Italy, France and Mexico, tend to indicate that even this last, and most valid of all objections that can be urged against State management, has been done away with. There is no reason why similar organisation may not be adopted in India. The argument that the per centage of railway earnings absorbed in working expenses is larger

under Government management than under private companies, does not go against State management, but is one of the arguments which can be mentioned in its favour. A rise in this percentage is self-evident, for a railway administration can not improve the service it renders and at the same time reduce the charge it makes for such service without noticeably increasing the percentage of working expenses to gross earnings.

In working the Indian State railways, all idea of making a profit must be eliminated. The working should be so arranged as to meet all requirements of the public with efficiency and economy, special regard being paid to the industrial development of India. This foremost object has unfortunately been sacrificed in the past in order to develop the export and import traffic. Indian railways often refuse to make a reduction in their rates in order to develop local industries, especially where they are likely to lose their import or export traffic, which gives them a longer lead though with a lower rate per maund per mile. They give very little consideration to the extra work involved in a longer haul and prefer long-distance traffic to or from Calcutta or Bombay to local traffic to or from a mile in the interior of the country. This is directly against the true interests of India.

The Indian Railway Board has now issued fresh instructions to the Railway administrations to allow necessary facilities for the development of Indian industries. Similar instructions, if I mistake not, were issued more than once before. They can not, however, for the reasons given, produce the desired effect unless the working of railway is taken over by the Government.

Indian railways are, to a very large extent, responsible for the killing of Indian industries and consequent poverty among the people. This poverty can be cured by a revival of Indian industries, which is only possible with a strong support of the Government, including the working of Indian railways in the true interests of the people. Such working,



can be assured only when the management is entirely in the hands of the Government.

In this matter we have a strong example in Belgium which was, prior to the present war, transformed industrially through the instrumentality of its railways. No country in the world of its size, writes Mr. Vrooman, received greater indirect benefits from its railways than Belgium, and yet at the same time every dollar which it invested in its State railways, whether for purposes of construction for making up deficits of lean years, had been repaid together with the market rate of interest, from the profits of fat years.

In the original Law of May 1834, authorising the construction of the first Belgium railways by the Government, all idea of running them for a profit was completely eliminated. According to Article V of that Law, there were three and only three objects to which the income of the railways was to be devoted, viz :—

*First*—The supplying of working expenses including the maintenance of the railways.

*Secondly*—The payment of interest on capital invested

*Thirdly*—The liquidation of bonded indebtedness.

Consequently the policy of the Belgium Railways had always been to keep the rate down so low and service up to so high a standard, that in the long run, the roads would come out as nearly even as possible.

The Belgium people stood by the principle of State ownership of railways during a long series of years of discouragement and financial loss. This is a most remarkable remonstrance of the deep-seated determination on the part of Belgians to preserve at any and every cost, all that had been attained by them in the way of industrial and commercial freedom.

In the light of the railway history of the world, we know that almost all new railways in countries not having a highly developed industrial life, have been run at a loss for the first few years of their existence. These losses,

almost invariably, have been borne by the Governments of the various countries through which they ran. When the railways have been in private hands, the Government has been required to make up these losses by means of subsidies, land grants, guarantees of interest, loans that never have been repaid, and in various other ways; and when the railways have been owned and operated by the Government, these losses have taken the form of deficits. The essential difference between the losses incurred by private railways and by state railways, while getting under way and developing a paying traffic, has been that, as a rule the subsidies, land grants, guarantees of interest and loans, with which the Government has had to come to the aid of companies' railways have never been repaid, in fact have been a dead loss to the Government, except for indirect benefits accruing from the railways; whereas the deficits of Government railways in the long run almost always have been repaid with interests. In a word, under private ownership, the losses, as a rule, have been a burden on tax-payers, a gift of the public to the railway companies; whereas under Government ownership and management, these losses have been only a loan of the tax-payers that eventually has been repaid. In European countries where the people are educated enough to take full advantage of the opportunities afforded by railways, the stimulus to commerce and industry resulting from the building of railways has more than counterbalanced the financial losses assumed by the Government; but while the general industrial development of the country has been the only return which public has received on the moneys advanced to private railways, it has received in return for the moneys advanced to State Railways not only this industrial stimulus but also the original capital, together with interest on the same. In India, however, where the people are mostly illiterate and ignorant of modern ways of commerce and industry, and where railways have been prematurely penetrated into lands where the people are not at all equal to the standard needed for this luxury, the effects of the railway have been disastrous to the industries of the country under the free-trade policy of

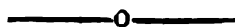
our Government. Owing to these drawbacks the Indian people have not only borne all the losses involved by the provision of railways, but have also lost whatever manufacturing industries they had before the advent of the railways in India.

Most of the import and export trade of India is in the hands of Europeans who are the chief gainers by the provision of Indian railways. Take the most recent instance of the export trade in wheat where the agents employed by the Government of India, are almost entirely Europeans, because the Indian people are so backward in commercial activities of the modern days.

As a rule, railways should not be forced in a country, until such time as its people are educated enough to protect their industries from invasion from foreign manufactures, and to take the advantage of the facility afforded by the opening of a railway, especially towards the development of their commerce and industries. If education and industrial training of the people on modern lines, do not actually proceed the construction of a railway, such instruction and training on an adequate scale must be given simultaneously with the sanction for a railway project. This is a lesson I take from the effects produced by railways on the general condition of the people in India, who instead of marching onward in the industrial development of the country, have lost almost all industries they originally possessed, and are now reduced to a condition of helplessness, as a large number of them have practically no paying work left for themselves, and consequently they have to accept whatever wages employers choose to offer them. The loss of Indian industries is responsible for the low conditions now prevailing in the country. Most of the men, literate as well as illiterate, are compelled to take work at absurdly low rates of remuneration which does not in many cases give them even a living wage, and the result is that they are either eating up their ancestral earnings or are physically degenerating, a condition which demands the serious attention of all well-wishers of the country.

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# State Vs. Company Management of Indian Railways.



*(Reprinted from the Hitavada 11th November 1916.)*

## IV

From the circular of the Railway Board which was reproduced in many Indian newspapers, it appears that the departmental investigation into the above question which the Government of India promised to institute has been completed. In some of the articles published in newspapers, it was pointed out that an investigation of that sort would not enable the Government to decide the question, that the Government had ample evidence and data already before them to decide the matter at once in favour of the State management of the Indian State Railways. I now note with satisfaction that the Railway Board have been forced to the conclusion that it is impossible to base any definite finding upon statistical results.

A perusal of the articles which appeared in the newspapers will show that :—

- (a) The Government of Lord Lawrence after a careful consideration and ripe experience of the old guaranteed companies (the East Indian Railway Company was one of them) decided as far back as the year 1857 to build and work the Railways in India by Government administration only.
- (b) Most of the European nations have nationalized their railways or have resolved to take over the working of railways into the hands of their national Government from companies wherever such exist at present.

- (c) The opinions of eminent Indian railway officials like the late General Richard Strachey, K. C. S. I. F. R. S. R. E., who was for many years Chairman of the E. I. Railway Board of Directors; and the late Major Conway Gordon, R. E. who was one of the ablest Director-General of Railways in India, Sir James Caird, who was many years member of the Parliament and the President of the Indian Famine Commission of 1879-1880 and Sir Guilford Molesworth who was the former distinguished consulting Engineer to the Government of India on State Railways and Mr. Edward Cleveland Stevens, M. A., who was the Shaw Research student of the London School of Economics, were all decidedly in favour of the State management of Indian railways.

I would first quote an extract from the report of the lecture of Sir Guilford Molesworth, delivered at a meeting of the East India Association of London in July last :—"The lecturer opened his remarks by stating that the object of a railway policy should be primarily to develop the industries, produce the general welfare of the country by the lowest rates of transport practicable; and secondly, to increase the revenue and so reduce the direct taxation of the people. Was the railway policy of India, he asked, calculated to attain these objects to the fullest? He thought that the answer to this question must be in the negative. In support of this view he gave a brief summary of Indian railway history, quoting from a lecture delivered by himself thirty years ago in the Bombay Chamber of Commerce, and from the minute of 1869, in which Lord Lawrence, then Viceroy, formulated a policy of State Control and Management of all railways. In 1870, continued the lecturer, the Government of India deliberately adopted the policy of constructing and managing all railways by State agency. This policy succeeded beyond all expectations, amply justifying Lord Lawrence anticipations, although operations had been

hampered by Home office interference. In 1881, however, Parliamentary influence had been exerted in the interests of private enterprise ; unfair and misleading comparisons had been made between State and company management, and Lord Ripon came out to India as Viceroy, pledged to a reversal of the State Railway policy."

The lecturer further continued :—" Experience had shown that the loss to the State has been greater than was anticipated even by the State Railway officials. The ever-increasing amount of £ 156,17,000 a year which ought to have been employed in developing the trade and industries of India and in advancing the development of railways to a far greater degree than had been actually done, had been lost to India. It would have sufficed to meet the cost of constructing and equipping 3,000 miles of standard gauge railway yearly. The increase of open mileage, under company management, had been less than 800 miles a year. According to the statistical abstract for British India (1916), the net earnings of the several railways in India in 1912—1913 were £ 20,436,000, while the net revenue to Government from railways for the same year was £ 4,789,533 which appeared to leave £ 15,647,267 profit to be paid to the various companies. If he was correct in this inference, the reversal of Lord Lawrence's railway policy of State construction and management had been most disadvantageous to India, and the continuance of such reversal was, in the interests of the people of India generally, to be strongly deprecated ! Every effort, in his opinion, should be made to bring a better State of things, and while increasing the revenue from railway , decrease the burden of direct taxation, and stimulate the construction of railways under direct State control and management throughout the country ".

Mr. Edward Cleveland-Stevens is inclined to think that the effect of consolidation of all railways has generally been to reduce charges, and that any further reduction in the number of companies is likely to have beneficial results.

He thinks that it would be more necessary finally to amalgamate all the companies into one system.

I draw particular attention to the excellent book on Government regulation versus Government operation of Railways by Carl S. Vrooman, Oxford University Press, wherein the author thoroughly discussed this question in all its bearings. He said:—"We are forced irresistibly to the conclusion that Government Roads can boast of having given better services and lower rates to the travelling and shipping public and better pay and better conditions of labour to their employers than have the corporation railways of the same countries. In addition to all this the financial results of the roads have been entirely creditable. In the long run no deficits have been created by any of the Government railway systems under consideration, and profits have been gained, sufficient for all the requirements of service. These settlements are facts which the statistical data demonstrate to be true beyond the shadow of a doubt. In Europe at least, Government railways on the whole have been more satisfactory and more successful than have corporation-owned lines."

This conclusion is perfectly clear and when read with the opinions of the eminent men named above, should enable the Indian Railway Board to come to the only correct decision, and that decision should be in favour of the State management of Indian State railways. I wonder why the Indian Railway Board is so doubtful of the efficiency of its own staff and general administration. If the railways are to be worked in the interests of India, and I presume such is the real intention of the Government, there is no alternative but to decide in favour of the State working its own lines. I do not understand why the Indian Railway Board has now referred the matter only to those bodies which are commercially interested in railways. The travelling public and the tax-payers generally have also an equally large interest in the matter. If formal opinions are needed, Government should have invited the opinions of all concerned. Whether they are asked or not, the public have a

right to be heard and should not lose this opportunity of expressing their views fairly.

The question now before the Government of India is of vital importance. It is a question of great economic importance affecting the moral and material advancement of Indians generally, and if our public bodies lose this chance now they may not get it again for a long time to come.

Indians have very few commercial bodies while most of the Chambers of Commerce established in India are made up almost entirely of European merchants. If the Government are to decide the vital question of their future railway policy upon the views of Anglo-Indian Chambers of Commerce, we can very well anticipate the result. The companies which work the Indian State Railways are composed of European members only and European chambers of commerce are sure to support their own country people. But Indians are vitally interested in the matter and should press their own views upon the Government. I accordingly urge upon the various political and commercial associations to declare their opinions in favour of Government management of Indian Railways.

The main argument upon which I advocate this is, that the companies work the railways in the interests of their share-holders, whereas the State administers in the interests of the people. I do not maintain that the State management is altogether faultless. It has numerous faults like other departments of Government but it is capable of improvement, while the working by companies is totally wrong in principle and I am glad this point has been brought out in the very first para of the pros and cons appended to the Railway Board's present circular letter, where it is noted that State management achieves objects which it is not reasonable to expect from private enterprise.

It will be observed from my article which appeared in the *Hitawada* of 16th September 1916, that I advocate advisory councils composed of officials and representatives of the people to direct and determine the working arrange-



ments of railways in India instead of the present official managers only. So long as the private companies are allowed to work our state railways, the public are not to have an effective voice in the management of their property, as the administration of railways leased to the companies is directed by the Board of Directors with offices in London.

I consider that State management when directed by the advisory councils mentioned, will decidedly be far superior to any administration by private companies. Even now the public have a better hearing from Government administrations than from the companies in the matter of complaints and the employment of Indians. On State worked railways all appointments are opened to Indians and as a matter of fact several of the appointments in the superior grade on state worked lines are now filled by Indians; whereas on companies' lines Indians as a rule are employed in the lowest grades only. Some of them have established religious or class distinctions and pay higher rates of salaries and allowances to Christians and lower rates to Hindoos and Moslems. The treatment of Indians on companies' lines is not what it should be in the management of a property which belongs to Indians themselves.

There were loud complaints from Indian public in the matter of a proper type of 3rd and inter-class carriages, about the use of wagons for pilgrim traffic, about a suitable and efficient type of latrines for third class carriages, about over-crowding of third class carriages, about the insufficient number of trains run for the heavy passenger traffic, about the want of Indian refreshment rooms at stations, about reasonable rates of transport for industrial concerns and about the puzzling tariffs &c. All these matters require satisfactory solutions which cannot be effected so long as there are the divided interests of different railway companies. With State management of Indian railways, directed by advisory councils all the problems noted above can be satisfactorily served. Some people claim that the existence of Railway Companies creates competition and tends to lower rates and

fares. If we go into the old history of Indian railways we shall find that it is the state-worked railways which have brought the rates and fares on companies lines down by competition. To realise this one should read history of rates and fares on Indian railways prior to the eighties of last century. There it will be seen that the companies lines in India insisted upon maintaining high rates until State lines lowered their rates and thus compelled the companies to do likewise. It is doubtful whether there is any competition now between the rival routes, since most of the railways have combined to pool the traffic which does away with all competition and the gains to the public which generally follow the competition.

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## Cattle Grazing and Forest Laws.

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(Rao Sahib D. Laxminarayan of Kamptee, in seconding the Resolution to mitigate the harshness of the administration of the Forest laws, delivered the following speech on 9th October 1916 at Katol Taluka Conference).

Mr. President and Gentlemen,

With the knowledge and experience of a small Malguzar and ryot owning a few acres, I have the good fortune to combine an intimate knowledge of the conditions and circumstances of landholders, of all grades and positions, among whom I move largely, and for whose benefit I am working, and I consequently know a good deal about the Forest laws and their operation. I speak from personal knowledge and observation, and from careful study of the agricultural condition of the country. I once held and declared the opinion that the condition of agriculture was degenerating. Now I may venture to say that it is on the high road to a complete collapse. The indigenous arts and industries of the land have already collapsed. While this is the case with the arts, industries and agriculture, the only thing left for the people, may truly be said to have already been collapsed. If this goes on there will be an end of everything so far as India is concerned. The Forest laws which I have now to discuss have, amongst other things, largely contributed to this unhappy result. I shall simply enumerate the various ways in which the Forest laws exercise a disastrous influence on the agriculture of the country. With a single stroke of the legislator's pen the Forest laws have extinguished the communal rights of the ryots rights which have been enjoyed from time immemorial rights recognised and respected by former Governments and even by the British Government to the middle of seventies of the last century. While the Government as a

General rule reserved valuable timber forests, the ryots were allowed the enjoyment of minor forest produce, and of inferior wood necessary for every day domestic use, free pasture, and the right of procuring vegetable manure, fuel, stone and gravel. Now all these rights and privileges have been taken away summarily by a single stroke of the legislator's pen. Since the passing of the Forest Act of 1882, the laws have been enforced rigorously with unhappy consequences to the ryot classes. By the extinction of these communal rights our peasant proprietors have ceased to possess that status and moral influence, as compared with the non land-owning classes, which so materially aided to reconcile them to their position. Any one acquainted with the village system of rural India will agree with me in saying that the ryots have ever possessed unquestioned the gratuitous enjoyment of all waste lands cultivable or uncultivable, the pattah lands under cultivation being answerable for the Government revenue and the waste lands under valuable timber forests being in the enjoyment of the State.

2. By the extinction of communal rights village society has been revolutionised. By the extinction of the rights and the privileges of the land-holding community they are placed on the same dead level with the artisan and non-landholding inhabitants of villages. Their condition has become inferior to these, for they are answerable for a heavy Government land tax though they have no longer the enjoyment of pasture for their cattle or the right of procuring wood for their houses and for agricultural implements, vegetable manure for their fields, thorns and prickly shrubs for fencing their fields, and the like. Under pressure of necessity they are driven to infringe the all-embracing forest laws and thus stand liable to criminal prosecution. For petty infringements of these vexatious forest ordinances thousands of criminal prosecutions take place in this province. The protecting wings of the Forest laws have descended from the hills to the plains. The hills have been divided into reserved and unreserved forests. The plains

also have been divided into reserved lands and unreserved. The ryots are often unable to find which are reserved and which are unreserved. The unreserved land, if there be such, are let to the ryots with restrictions and prohibitory conditions. Unreserved lands are gradually dwindling to such an extent that in many a village there is hardly any room for cattle to move. In such places, if the patta lands be under cultivation, the hardships are insuperable. Then I may refer to the loss of the privilege and status of the landholding and cultivating community over mere artizans and labourers. The charges of labourers have risen enormously high without bringing any corresponding profit or benefit to the ryot. By the Forest laws, which impose taxes on forest produce which was before exempt from taxation and Government interference, the land revenue is directly or more strictly speaking indirectly enhanced. The land is heavily taxed enough. Pasture for cattle necessary for agriculture is taxed. Vegetable manure is taxed. Wood, necessary for agricultural implements like the plough, is taxed. Even when the tax is paid the labourers engaged in working out these forest products have to be paid heavily as they work subject to continual interference. Moreover even when the ryot is willing to pay the tax, he experiences great difficulties in getting licenses. The social and economic revolution brought on by these changed conditions is most keenly felt in rural districts. The wages of the labourers engaged in procuring these articles, according to the laws of political economy, increase the wages of labour in other directions also. The abnormal disturbance of the labour market produced by this cause among others is a very serious subject for consideration. The forest laws are making great havoc with the live stock of the country so essential for its agriculture. By taking away pasture the cattle are destroyed, and by destroying cattle the agricultural industry is destroyed. This is nothing but a truism. In consequence of the difficulties experienced in procuring food for cattle there is heavy mortality among them. Cattle degenerate in every way, and accordingly there is a grow-

ing diminution of cattle power so essential for agriculture. There is growing diminution in the supply of farm yard manure (animal dung and urine), in the supply of milk and its products. For want of nutrition and sufficient pasture cattle are degenerating in their procreative power. What a trimendous loss will there be to our country, when all these are put together. Whether there is pasture or not cattle must live. On account of the pasture difficulty cattle are liable to commit trespass upon the prohibited lands reserved by the Government, or pattah lands under cultivation. Cattle are impounded wholesale in large numbers at a time. In prosperous times even cattle degenerate and the live stock declines rapidly in consequence of this iniquitous forest administration. Cattle owners, in most instances have not even half what they had forty years ago. In times of scarcity and distress they die in large numbers, which was not the case formerly, when the ryots had the right of free pasture and when they had the opportunity of economising and storing the fodder of the plentiful years for years of scarcity and draught. The Government realise thousands of rupees from pasture fees. While so much is realised from legal fees from pasture, the Government collects thousands of rupees from penal fees by impounding cattle for trespass. I believe in the famines of 1896-97 and 1899-1900 thousands of cattle perished from want of pasture and fodder over and above the normal mortality. More than half the cattle that died in those years would have been useful for agricultural labour. The difficulty of procuring the bullocks for ploughing within a reasonable price is very great. This is because there is no large stock of cattle.

3. There is a difficulty in procuring wood for agricultural implements like ploughs. The ryots are put to the hardships of buying timber, often of a valuable kind, from bazars and markets far away from their places, while the wood in the village in the neighbourhood of their houses, and the use of which they have enjoyed from the time immemorial, is closed against them.

4. There is difficulty also in procuring vegetable manure from Government forests and practically even from Parcha lands by Government interference and taxation. How is it possible to carry on agriculture without vegetable manure and farm yard manure whose supply is growing more scanty every year? Land must necessarily deteriorate under such circumstances.

5. There are certain other hardships which the agricultural classes suffer equally with the non-land-owning classes. Fuel has become a state monopoly. The monopoly of fuel supply causes great hardships. The price of fuel has risen considerably. Often fuel is not procurable either for love or money. Fuel is as much a necessary of life as food itself. Where there is fuel famine the people suffer nearly as much as during the times of the worst famine and scarcity. I have heard of instances of ryots converting valuable teak and other timbers into fuel. I have heard instances of Government servants delaying to attend their office work in consequence of fuel difficulty. I have heard of people being driven to the necessity of soaking grain in water and eating it raw and fresh. During ordinary times the price of fuel is high. The wild berries of trifling value, thatch grass and inferior wood for constructing huts are taxed and are subject to prohibitory restraints. Even the stones and gravel are taxed on pain of one month's imprisonment if removed from forest lands. I am unable to imagine how the removal of stones and gravel will injure forest conservancy. Any one who knows anything of our agriculture and forestry will tell you that the removal has only the contrary effect of improving the soil. By such restrictions the people suffer where stones are largely used in house building.

6. You all know, gentlemen, that forests, jungles, wilds, constitute one of necessities of life. From birth to death and even after it, we require all kinds of things that are derived from forests and wilds. During our life-time we want fuel, we want food, we want grass, stones, earth, leaves, bark, roots and everything else, which being ours has been made to belong to others, not by Divine agency but by the avara-

cious desire on the part of men like ourselves. Nature has in India provided us bountifully with all this without any request on our part, and for hundreds of generations we have enjoyed it unchallenged, but sad to say suddenly we have been deprived of it by man-by the forest administration-acting against Nature.

7. If you look back and see what forests were in the times of Hindu and Mohamedan rulers you will find they were blessings but now it is not so to all living in their neighbourhood. They existed solely for the real good of ryot, as all necessary rights of user were freely enjoyed by those—the inhabitants of the neighbourhood—for whom nature has manifestly designed them. From the middle of seventies of last century forest laws have been introduced, nominally to protect the country from draughts, absence of rains and famine but practically they have been worked otherwise. To declare one policy and to work up to another, to the disadvantage of others, is a retrograde act. If you desire a typical instance of that kind it is before you of the present administration of forests.

8. As a recognised principle throughout the civilized world, that country is prosperous whose peasantry is prosperous. The prosperity of the peasantry is the basis of the prosperity and material wealth of the country. It is the masses, or poor classes, those illiterate, ignorant, suffering cultivators upon whom our daily existence depends. It is they whose better condition alone tends to the happiness of all other classes. It is they for whom the Sovereign enjoys his sway. It is they for whom our hearts are most specially moved when we see their helpless condition. The poor who have not even rags to cover their persons, who have not even the means of living from hand to mouth, and who have no cultured mouths to plead their cause and expound their grievances—it is on behalf of these countless thousands of mute sufferers that we first and foremost attack the forest administration.



9. I will simply draw your attention to the remarkable statements laid in the speech by Sir Theodorepe, who had charge of the forest measure in the Imperial Legislative Council and who assured people that the object of the legislation was not to trespass on their rights but merely to conserve and take better care of that part of the forest, which was over and above the actual wants of the people who tilled and used the forests. Now you will see, gentlemen, whether that promise, coming from so high an authority, has been kept, by the rules that profess to be framed under the regulation which was passed with this object in view. When it was proposed to introduce forest legislation, it was done on the plea of making provision for posterity and following the scientific principle, of procuring more rain by increasing the foliage area. From philanthropic and scientific grounds it has in practice degenerated into a mere money-making arrangement. Everything within the forest limits has been taxed, except the atmosphere, without any rhyme or reason. Difficulties and prohibitory restrictions are raised with regard to the right of way for cattle and men even for drinking purposes. The Government seems to have some extraordinarily dismal idea about fires and cattle grazing. Forest fires are not caused by owners of cattle alone. They often arise from natural causes, like lightening and friction ; under the influences of wind, dry sticks and bamboos rubbing against each other and igniting. But the economy of nature has so arranged things that pure grass hills will remain grass hills to eternity, unless the nature of the soil and topography of the ground are changed. Such hills which will remain useless for the growth of valuable timber are only slowly to be improved by the chemical action of the atmosphere on the rocks and gravel, by the ashes of the grass burnt periodically and by the pasturage of cattle which give the hills the benefit of their manure. These are some of the facts, and those who are well acquainted with the suffering of the ryots in consequence of all this absurd scientific forestry will feel that I have not overstated my case. Gentlemen,

this is a very serious matter for the consideration of this conference. Repeated memorials to the Government and protests both from the press and platform are the only remedies we must follow. If there be any institutions that are to save India from its agricultural ruin resulting from the hardships inflicted by the forest laws, they are the conferences and Associations. It is the highest duty of every one of us to support the grandest movement that history has ever seen. If we are not able or willing to support the movement we are not worthy of our existence and not fit to be called men and a nation. The grievances of the Forest laws affecting millions of people are such as to require immediate redress.

With these words, gentlemen, I beg to second the resolution which has been so ably moved by my predecessor.

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# Local Self-government.

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(Rao Sahib D. Laxminarayan of Kamptee. in seconding the Local Self-government Resolution, delivered the following speech on 9th October 1916 at Katol Taluka conference).

Mr. President and Gentlemen,

This resolution relates to Lord Hardinge's Local self-government resolution of the 23th April 1915. Eight years back the Royal Commission upon Decentralisation made their report in which were embodied certain recommendations regarding Local Self-government in India and it is now after an interval of so many years that the Government of India have at last completed the process of digestion of the Report and published lengthy Resolution defining the policy which they desire to see followed in the future. So much time has been occupied in discussions on the various recommendations with the Local Governments and the Secretary of State, and the result that we now see in the form of a Resolution cannot be said to be particularly startling. The Resolution admits that there is definite and satisfactory evidence of the growth of a feeling of good citizenship, and quickening of a sense of responsibility and yet it aims at no great step in advance. Steady and sound progress without hampering the Local Governments and Administrations is the motto on which, you will see the Central Government acts. Brother delegates, you will find from the Resolution that almost in every case the Government of India have decided to accept the conclusion of the Local Government or Administration concerned as to the degree of progress possible at the present time. The public had looked for some great measure of reform in the Local Self-government. We, indeed, wanted a reform which would put Local Self-government in this country on a broad,

democratic basis, and prescribe a way on which sound progress would be achieved without being hampered by conservative or reactionary tendencies of individual local administrations. But our expectations are not answered, we are extremely disappointed ; and it is this feeling of disappointment and dissatisfaction which this conference has expressed in the Resolution in hand. In reality, Government of India have done nothing beyond giving expression to a number of pious wishes. That is not the spirit in which progress will ever be achieved in this country. If the Government of India really wish to advance in the direction of the recommendations of the Decentralisation Commission or the principles laid down in the famous Resolution of Lord Ripon dated the 18th May 1882, the sound and safe principle for them to follow would be to impose its own view—a view definitely formed by them after an exhaustive investigation and discussion by competent authorities on Local Governments, and not to show undue deference to the opinions of those Governments. If the increasing association of and control by the people in the management of their own domestic affairs is the object of the Imperial Government in view, then the recommendations of the Decentralisation Commission which have received the unanimous approval of the Indian public opinion should have been carried out in their entirety otherwise where was the necessity of appointing a Commission and making a farce of their recommendations after spending considerable amount over it.

If a true sense of responsibility and ideas of free citizenship are to be inculcated among the people, if people are really to be trained in the art of governing themselves in local affairs and if general progress is desired, then, what we want Government to do is to repose full confidence in us, to trust us entirely and give us a free and full scope in the administration of our affairs. Those who have been in touch with the management of Municipal and Rural affairs will not fail to see that one cannot get rid of the consciousness of frequently irritating official interference and meek subordinations to an outside will. In the opinion of Gov-

ernment, the free and full development of Local Self-government is impeded by such causes as the smallness and inelasticity of local revenues, the difficulty of devising further forms of taxation, the indifference still prevailing in many places towards all forms of public life, the continued unwillingness of many Indian gentlemen to submit to the trouble, expense, and inconveniences of election, the unfitness of some of those whom these obstacles do not deter, the prevalence of sectarian animosities and the varying character of Municipal area.

Now, Gentlemen, on careful consideration of these causes you will find that they do not satisfactorily account for the retardation of progress in Municipal administration. The real obstacles in the path of progress would in my opinion seem to be the continued unwillingness on the part of Government to part with power and controlling authority, unnecessary interference in Municipal administration, distrust of local bodies and a system of checks and counter-checks which tend to do more evil than good. I will, therefore, ask Government to consider whether true statesmanship does not lie in trusting the people, in delegating powers to non-official bodies, in stimulating them to work with perfect freedom and in exercising powers of intervention as little as possible. Let Government give greater powers to local bodies, place resources at their disposal and then if they fail in their duty it would fall heavily on them.

The Government of India would have done greater justice to the aspirations of the people if they had in fact codified the recommendations of the Decentralisation Commission, the principles embodied in Lord Ripon's Resolution of 1882 and left little to the sweet will of Provincial Governments.

I regret to say that the whole Resolution of Lord Hardinge is overlaid with a number of cautious qualifications and reservations which rob the high sounding declaration in favour of a general policy of progress of a great part of its value. And if this is to remain as the last word

of Government on the question of Local Self-Government, I am afraid that there is no prospect of the Municipal and Rural administrations attaining more freedom and prosperity in the near future, unless of course Provincial Governments show more liberal and real spirit than at present in the treatment of Local bodies. With these words, Brother delegates, I beg to second the resolution so ably proposed by the mover.

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## Self-Government and the Vernaculars.

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One of the drastic evils of the British rule in India is the gradual killing of our vernaculars by the reference shown to the English language. Once our Vernaculars become extinct as they threaten to be before long, unless we take time by forelock, it will not be possible to revive them. Such a contingency can not but be a national calamity, for in our Vernacular literatures are embedded the great spiritual, moral, scientific and historic truths, which from the invaluable heritage handed to us by our ancient thinkers and educationists. Even now many of our ancient works in the vernaculars are sealed books to us, because there are few who can interpret them in their true light. Is it not a fact that our Pandits differ in their interpretations of our shastras as much as light from darkness? Many of our medical works are Greek and Latin to us, because the cultivation of our languages has been completely ignored. The literature of each Nation is like mother's milk to it, but we are now being fed with foreign milk. How can a nation without mother's milk grow healthy, strong and active? If we are now as a Nation backward compared with other nations, it is because the atmosphere in which we grow is foreign, and the natural conditions for our growth are absent. As the English language became unfortunately the official, and consequently the bread-winning language of our country, an incentive on our part to learn our own languages well has become non-existent. Further, the absence of provision in the University curriculum for the study of theology led to the negligence of the vernaculars of this country. It is an accepted fact that much of the energy and time of our boys are lost in merely acquiring mastery of English words and their syntax, and the strain thereof tells disastrously on the health of our educated people. In spite of the mastery of the English tongue by the Indian at the great sacrifice,

he can not feel the same amount of love for the foreign language as for his own, notwithstanding his imperfect acquaintance with the latter. The only reason for his not making a good study of the vernaculars is, it does not pay him. Despite the fact that many Indians have made considerable progress in the English language, no one among them cares for music in that language as Englishmen do, because it does not rouse his heart. The preservation of our languages is a national duty ; they constitute the vitality of our nation ; they guarantee our nationalism ; they hold the strings of our hearts. There is no hope of the British Government ever making our vernaculars the medium of official transactions. Unless the Government of our country is vested in our own hands, there is no prospect of the revival of our life-giving vernacular languages. The only remedy lies in self-Government.

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# Self-Government and labour.

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( *Reprinted from the Massage, Bombay, 12th December 1916.* )

In observing the discussions going on about the granting of self-Government to India after the war and the suggested scheme sought from His Majesty's Government by the veteran congressmen of the Provincial and All-India Congress Committees, I am sorry to see that none has taken the trouble to voice the labour interests of our country. The major population of our country is living upon labour of some form or other, and these are voiceless and are bound to obey the commands of their Masters however unlawful they may be.

In England the labour party has the right of electing members to represent their interests in parliament and why should not labour in India also have it in some such form and why did our countrymen fail to put in the claim in the scheme to be laid before the Government ?

For example, out of so many non-official members in our Provincial Legislative Councils, very few have taken pains to study the grievances of the labour classes. Some non-official members must personally gauge the difficulties of the continual night duties of the Indian Railway Assistant station masters, which is in vogue practically on all Railway systems. *They work against the nature of a human being without a single night's rest in a year.* One non-official member moved the matter in the Madras Legislative Council, which modified the duties of the Assistant Station Masters in the S. I. Ry. Company, but still without success in other Railways of India, and the Government also appears not to have persued the subject. If the non-official members in other councils took the same pains as the Madras Hon'ble member and pressed their respective Governments, they would have intervened and the conditions could have also been modified

in the other Railways, *but as most of the members are unaware of the difficulties the assistant station masters are undergoing.* If the labour class is to be represented under a separate electorate in our Provincial and Imperial Legislative Councils, all the members who stand for election will have the opportunity of studying their grievances and interests; in the absence of this, the members will not have any interest to voice the feelings of the labour classes and protest their interests.

Hence I humbly appeal to our politicians to take my suggestions into consideration and include this in the present scheme of self-Government which is about to be laid before His Majesty's Government.

To accomplish this object all the working classes of Railways, Mining, Commercial and other industries and the subordinate staff of all the Government, Municipal and D. P. W. works must be asked to form society of their own in important centres, which ought to be recognized by the Government, and they should be given the opportunity of electing a representative to protest their interests in the Provincial and Imperial Legislative Councils.

I hope that our countrymen and the press will take this question, and do all that they can to safeguard the interests of the large masses of the labour population in this country.

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# Industry and Self-Government.

*-( Reprinted from the Message, Bombay 16th December 1916. )*

It is no exaggeration to say that New India is doing yeoman's service towards the uplift of India.

No country can become industrially great, unless it has a voice in the administration of the country.

India has an abundance of raw materials within herself and can become one of the great industrial countries of the world, only if she is given self-government.

Let us see how far this statement holds good.

India has been flooded recently with Japanese goods, chiefly of cotton. Japan today sells her goods in our market at marvellously low rates, at which Indian mills can not even spin yarn with a margin of profit, though the Indian mills get cotton at their very doors; whereas Japan has to import the raw materials from far off India and America. Japan has not only captured our market but also the whole of the Chinese market, and has driven out the American and Indian trade from the Chinese field. Japan today prepares goods with a fine finish which even Lancashire and American goods cannot match.

Naturally, one is led to ask how then has Japan advanced so far, while India is plunged into her present deplorable condition.

Business men in Bombay and elsewhere are of late speculating over this question. Some are still under the impression that Japan has Government subsidies, even though Sir Dorab Tata, the great industrialist of India, had made it very clear, in his lucid address, delivered at the last industrial Conference, that there was no truth in this supposition, and he further added that there was something else behind, which enabled Japan to compete in our markets.

Though Japan has no direct support from the Government, one should admit that she is indirectly supported in the expansion of her industries. Let us therefore go a little deeper into the matter and prove the latter statement by comparing Japan and India side by side and what facilities the former has over the latter.

Japan has a Government of her own people, by her own people, and for her own people, who cause the administration to be efficient, more economical, and above all highly sympathetic.

India is a dependent country with a bureaucratic system of Government, whose administration is in the hands of highly paid, less efficient, unsympathetic civilians who, with the exception of very few, have no good feeling towards the improvement of our country, whose salt they eat.

On account of cheap administrative systems, there is no need for Japan to levy any unnecessary taxation, or at least she has no injurious excise duty to bar the progress of industry.

The administrative system of India is costly, because she has to import her Rulers from foreign countries. The Government is naturally obliged to levy taxes to carry on the administration. Besides the general taxation there is a duty of  $3\frac{1}{2}$  per cent. known as excise, levied on all cotton goods produced here, simply to safeguard the interests of Lancashire trade. This sort of taxation is unimaginable in any civilized country. This is the stumbling block to the progress of cotton industry. The Indian National Congress and other loyal public institutions have appealed to the Government, to repeal this tax but alas; in vain.

By the way, the Government of India raised this excise duty from  $3\frac{1}{2}$  to 7 per cent and this has come into force from the 1st April 1916. It would be a great relief to our industry if a prohibitive import duty is levied on all the goods arriving from Japan, America and other countries. This will be a policy in the right direction and will be highly appreciated by one and all.

Japan has a navy of her own and has chartered her own merchantmen to carry the raw and finished products from and to foreign countries at an economical rate.

India has no navy nor has she any railway of her own, over which she can have control. Railways in India are foreign companies in whose Board of Management, the Indians have no voice. Consequently trade suffers, as she has to pay heavy freights, to move her own raw and finished products, from the manufactory to the distributing centres.

Japan has her own consuls in all the industrial and commercial cities of the world, who act as an Advisory Board and who supply their mother country with all the trade information of their respective areas.

India has no such consuls nor has she any position of importance in the Empire.

Education in Japan is imparted in her own tongue and is controlled by her sons. There are many technical and polytechnical institutions which make them sound business-men.

India has to struggle in a foreign language, her vernaculars being thrown into the back-ground and her educational system is in the hands of foreigners, who know not the demands of this country. In a vast country like India there is not even one up-to-date technical institution which can impart thorough education to Indians without their leaving these shores for foreign countries for the sake of higher education. Japan is a free country, has dispelled the ignorance of the mass by primary education encourages thrift by discouraging the drink evil, and thereby makes her labour sober and industrious.

It is unfortunate that Indian labour is far from satisfactory. Eighty per cent of her labourers are addicted to excessive drink. The Liquor shops are located within easy reach of the factories in the town.

Indian labour, uneducated and ignorant as it is, is tempted to indulge in drink and thus brings ruin on itself.

Though educated India has been appealing to our benign Government, as a measure towards putting a stop to this evil, either totally to abolish the abkari revenue, or to locate the liquor shops far away from the factory and town and also to reduce the number of such shops every year.

It is much to be regretted that the Government is not prepared to redress these grievances. The best of Indian labour is taken away from our country to Ceylon and other foreign colonies under the system of what it is known as "indentured labour", the consequence of which is that the Indian factories have just begun to feel the shortage of labour. If this system is allowed to continue, and if our Government does not come forward to put a stop to this barbarous system of slave traffic India will have to shut her factories not to speak of agricultural pursuits of labour, within the next ten years.

Japan within the past ten years has started chemical industries which supply all her mills with stores, such as sizing and other chemicals and sundry articles required for carrying out of trades. She also makes within herself all the packing materials for the export business.

Though the cotton industry is over fifty years old in India, she has not got even one factory which can supply her mills with the sizing materials, chemicals and other stores which are essential to conduct the trade and which have to be imported from foreign countries. Should this war continue for some more time-may Heaven forbid-the cotton mills may have to shut down for want of stores, as some of them have already partly closed their mills for want of artificial dyes.

There are also other causes, such as lack of patriotism, rigidity of caste, want of co-operation, &c. which all bar the industrial progress of India.

**General.**

India which was once a flourishing and self-possessed country, is today reduced to such a deplorable state, that she has to depend upon the foreign countries for her daily requisites. Let us not now become desperate. India can rise up to her former level and rank as one of the great industrial countries of the world within two decades from the date she obtains the self-Government under the British rule.

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# Post-war Reforms.

(*Kamptee, Central Provinces.*)

I shall briefly state now what sort of popular Government we require in India : (a) In the Districts, the Collector or the Deputy Commissioner should exercise all the powers of Divisional Commissioners, whose posts should be abolished. The post of Financial Commissioner or Revenue Boards, wherever they exist, should be entirely abolished ; for, instead of adding to the efficiency of the administration in any way, they are like a fifth wheel in the coach and needlessly add to the expenditure of the State. Each District should have a District Council at the District Headquarter, consisting representatives of the people. We want the District officer to be absolutely free from his judicial and magisterial functions and to do a good portion of his work with the assent of the Representative Council at his own headquarter. All the civil and criminal administrative work shall be placed under the direct control of the High Court of each Province (b) Village Panchayats shall be established for villages or groups of villages. They should be wholly elected, and should be entrusted with civil, criminal, and revenue work. We want permanent settlement of land-revenue throughout the whole India without any exception. Elementary and secondary education should be made free and compulsory in India.

2. As regards Local Self-Government, the following reforms should be carried out :—

(a) Municipalities should be wholly elected with elected non-official Indian presidents.

(b) District and Taluk Boards should be wholly elected with elected non-official Indian chairmen.

(c) Panchayats wholly elected should be established for villages or groups of villages for sanitation, elementary education and other purposes.



(d) There shall be a Local Self-Government Board in every Province consisting of official and non-official members, with the member in charge of the department in the Executive Council as Chairman to control and superintend the affairs relating to Local Self-Government within the Province. The Board shall have a special set of officers to inspect the working of the municipalities and rural body, and the District Officers or Collectors shall have nothing to do with them. The municipalities or rural bodies shall have charge of sanitation, elementary and secondary education, police, local communications, etc. The Provincial Government shall provide the urban and rural bodies with adequate resources and empower them to levy rates.

3. Chartered High Courts should be established in all the provinces. The appointment of the judges should be made by the Government of India from the trained members of the Bar, and of whom not less than half shall be Indians. These judges should have complete freedom, independence and liberty in the administration of justice, and these judges should be absolutely free from the control and influences of the Local Government, and even the Government of India. All the civil and criminal administrations of the province shall be solely under the direct control of the High Court.

4. (a) Commissions in the Army and Navy to be thrown open to Indians. A military college should be established in India for the training of Indians. Provision shall be made for the admission of Indians to higher offices in the Army and Navy to the extent of not less than one-half.

(b) A territorial Indian army bound to serve only within India, under the control of the Viceroy as representing the Crown, but the number of men and the expenditure to be voted by the Legislature; the army to be allowed in case of war to volunteer for service outside India. A Home Navy to be maintained under similar conditions, a fixed proportion to be available for foreign service.

(c) Indians should be permitted to enlist themselves as volunteers on the same terms as Englishmen.

5. The Arms Act should be totally repealed.

6. Freedom of the Press and liberty of speech should be freely permitted to Indians in India. The Press Act of 1910 and other repressive legislations and the old regulation of 1818 should be immediately repealed.

7. (a) The distinction between the Imperial and Provincial or European and Indian services should be abolished.

(b) All services should be recruited in India by the Government of India.

(c) The Indian Civil Service should be an exception to the above for the present; but simultaneous competitive examinations should be held both in England and in India to prepare the way for the final abolition of the examination in England.

8. *General.*—(a) Each Province will have a Governor at the head of the Government equal in status to a Presidency Governor, who should be appointed directly by the Crown from England for a term of five years.

(b) Each Province will have an autonomous system of Government with full powers over its own administration, finance or fiscal freedom and legislation. Thus, a Provincial Government will have independent authority to manage such matters as sanitation, education, industries and arts, excise, local Self-Government, police, agriculture, feeder railways, land revenue, local taxation, finance and several others.

9. *Legislature.*—(a) The Provincial Legislative Councils should be absolutely representative of the people. This Assembly should be wholly elected non-official Indian members for a period of five years. (b) The council shall be considerably enlarged and adequately representative of all communities, including principal minorities. (c) Election should not be confined to local bodies only, but the franchise shall be extended; and the qualification of an elector should be based on landholding of all descriptions, income and property, education, commerce, industry and labour, and will

also have to furnish the base of a Parliamentary franchise.

(d) No place shall be reserved or earmarked in the Executive or Legislative Councils for members of the Indian Civil Service or other services, who shall be purely an administrative body as in England. Permanent or temporary Government Civil or Military servants shall have absolutely no place in the Legislative or Executive Councils. (e) The Governor shall be the president of the Assembly who will have the power to veto the Bills in specified cases. (f) All taxation and expenditure shall be under the control of the Legislative Council, which should have full power to deal with all matters mentioned in clause 9 (b) above. (g) All Resolutions of the Legislative shall be binding on the Executive Council. (h) The right of putting supplementary questions should be extended to all members and not merely be restricted to members putting the original questions. (i) The non-official Indian members should have the right to introduce Bills and Resolutions without any previous sanction of the Government, and the right of interpellation should be extended to all manner of subjects. (j) In fiscal matters, the Legislative Councils should have Provincial Autonomy to include power to raise loans, to impose, alter or annul the taxation, and the right to vote upon the Budget. (k) Budgets shall be framed by a Committee of the Assembly. (l) The Legislative Councils should be possessed of plenary powers over the entire internal administration of the Provinces, and provided with autonomy in the sense of having both the power to administer and to control. (m) In administrative matters the Provincial Government, working under the control of the Legislative Council, should have complete freedom of initiative and executive.

10. *Executive*—Executive power shall vest in the Governor and a Council of four Members, who should be wholly elected by the non-official Indian members of the Legislative Council. The Governor and the Executive Council will be responsible and subject to the control, or in subordination to the Legislative Council. The Legislature must be enabled to pass a vote of censure which shall ordinarily

be given effect to by the Governor, calling upon the Member in charge of the Portfolio to resign.

11. The electorates of the Provincial and All-India Legislatures shall be so arranged as to represent adequately the whole people. Each District in the Province should elect seven members to the Provincial Council representing : (1) Municipality. (2) District and Local Boards. (3) Land-holding of all description. (4) Income and property. (5) Education. (6) Commerce and industry. (7) Labour. There shall be no nominated non-official Indian members, but all non-officials shall be elected.

12. *General.*—(a) The Central Government shall not interfere with the local affairs of a Province and powers not specially given to a Provincial Government shall belong to it. The authority of the Central Government will ordinarily be limited to general supervision and superintendence over the Provincial Governments chiefly exercised in matters in which an uniformity of procedure is essentially necessary in the opinion of the Central Assembly. (b) The jurisdiction of the Central Government shall include army and navy, wars and expeditions, customs, tariff and imperial taxation, currency and mints, foreign affairs and native states, the regulation of commerce, industry and trade, railways and irrigation, statistics, crimes, famine relief and protective works, public debt, banking and insurance, postal and telegraphic service, references of the differential provinces and adjustment of inter-provincial relations.

13. *Legislative.*—(a) The Viceroy's Legislative Council should be expanded to an Imperial Legislative Assembly of 160 members, who must be wholly elected non-official Indians for a period of five years.

[ *Here the writer pleads for all the reforms advocated in clauses (b) to (m) in para 9, with such modifications as are necessary in view of the nature of the Imperial Legislative Assembly. —Ed. "I. R."* ]

14. *Executive.*—(a) Executive powers shall vest in the Governor-General and Council, consisting of ten mem-

bers, including the Commander-in-Chief with whose exception all the other nine members should be wholly elected. The Legislative Assembly must be enabled to pass a vote of censure which shall ordinarily be given effect to by the Governor-General, calling upon a member in charge of the portfolio to resign. (b) The Departments of the Government of India shall be as follows :—

(1) Foreign affairs. (2) Home Affairs. (3) Law. (4) Education. (5) Agriculture and Irrigation. (6) Commerce and Industry. (7) Finance. (8) Railways and Public Works. (9) Military. (10) Revenue and Customs. (11) Native States.

15. *Finance*.—(a) The Government of India must possess fiscal autonomy or freedom, *i. e.*, it must enjoy the right of revising Indian Tariffs and custom duties, imposing or reducing or removing any tax or cess at its own initiation and pleasure, modifying the existing system of currency, banking and mints and granting any aids or bounties to any or all deserving and nascent industries in the country. (b) There should be no divided heads of revenue between the Central and Provincial Government. (c) The Central Government may make grants from surplus revenues to Provincial Governments.

16. Finally, we want the office of the Secretary of State and his Council to be entirely abolished, and his power and functions to be approximated to the Secretary of State for Colonies, who shall only exercise such powers in the Indian administration as he exercises over the Colonies, and his pay shall be placed on British estimates.

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# Patna University Bill.

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The noblest gift which British Rule has conferred is the boon of high education. It lies at the root of all our progress. It is the main-spring, the motive-power, the germinal source of all those forces which make for progress. The three great boons which we have received from the British Government are high Education, the gift of a free press and Local Self-Government, supplemented by the reform and expansion of the Councils. But high education is the most-prized, the most dearly cherished of them all. It is high education which has made Local Self-Government the success that it is admitted to be. It is again high education which has elevated the tone of the Indian Press, has made it a power and has rendered it possible for us to look forward to the time when, in the words of Lord Ripon, it will become, as in Europe it is, "the irresistible and the unresisted master of the Government." It is English education which has produced a splendid galaxy of distinguished men who have done incalculable service to morals and manners, who have ennobled the literature of their country and have made it a rich vehicle for the expansion of the noblest sentiments, of the most obtruse reasonings in philosophy and science and of the varied and complicated requirements of modern life. It is English education which has overcome the barriers of race, religion and language, has dissipated the prejudices and misunderstandings of ages and has created those unifying influences which find a living expression in the vast, the stupendous, the majestic organization of the Indian National Congress. Could the educated community submit to the curtailment of this boon—to the restriction of its beneficent area? They are naturally anxious that nothing should be done to check the spread of that system of education which has produced such splendid results in the past and which is fraught with infinite possibilities of pro-

gress for future generations. English education is a precious boon which has come down to us as a heritage from the past. Education is the sheet-anchor of the people's loyalty, it is the sheet-anchor of the people's progress; and the expenditure incurred to educate the people will be found to be a source of strength to the State. If we cannot extend and broaden it, it ought at any rate to be our most sacred concern to safe-guard it against encroachment and limitation, and so transmit it, with its beneficent area undiminished, to those who coming after us will bear our names. These are the feelings which inspired the agitation, intensified its volume and impressed upon it its distinctive tone and character. Justice Sir Gurudas Banerji, one of the highest products of the Calcutta University says :—" We should aim not only at raising the height but also at broadening the base, of our educational fabric. Our educational system should be so adjusted that while the gifted few shall receive the highest training, the bulk of the less gifted but earnest seekers after knowledge may have every facility afforded to them for deriving the benefits of higher education."

2. Writing on the lines on which the London University should be organized, Mr. Sidney Webb, thus comments on the importance of the discrimination of education among the general community :—" Being, as regards its undergraduate class, essentially a university for the sons and daughters of households of limited means and strenuous lines, it will not like Oxford and Cambridge, set itself to skim from the surface of the society the topmost rich layer of rich men's sons and scholarship winners. Wisely organized and adequately endowed, it must dive deep down through every stratum of its seven millions of constituents, selecting by the tests of personal ambition and endurance, of talent and "*grit*" for all the brain-working professions and for scientific research, every capable recruit that London rears. Hence, it must stand ready to enrol in its undergraduate ranks not hundreds a year but thousands. If we remember that Paris and Berlin, drawing from much smaller local

populations and exposed each to the competitions of a score of other universities in their own countries, have each actually twelve thousand university students, we can see that any equally efficient London University might easily number twenty thousand."

3. It is in the spirit of these remarks that I offer the following observations on the Patna University Bill and I hope that they will receive due consideration at the hands of the Government of India.

4. In approaching the consideration of the Patna University Bill it will at once be conceded that the university system in India is not perfect, any more than any other human institution is ; and a cautious and well devised scheme of reform, calculated to promote the advancement of learning without interfering with the spread of high education would be welcomed by the educated community ; for, they realise the truth that their future progress largely depends upon a sound system of education which would qualify them for the hard and increasingly difficult competition of modern life. As His Highness the Gaekwar of Baroda has observed with great truth in his admirable article in the East and West, " education will be the watch-word of the twentieth century and its diffusion the great object upon which will be concentrated the energies and the statesmanship of the country." Could we persuade ourselves to believe that the provisions of the Patna University Bill would secure the advancement of learning without restricting its area and it would combine height with surface, there would go forth a mighty voice from educated India, supporting the Bill and offering the Government of India our cordial congratulations. The effect of the Bill, it clearly appears to us, would be to narrow the popular basis of higher education and to restrict its area. It is against this policy that we desire to record our respectful but emphatic protest. We cannot accept a policy which would deprive our great middle class who are far from being well off, from whom come our intellectual classes who, with their keen hereditary instincts, have from time immemorial furnished the intellectual leaders of the



community, to be deprived of some of those opportunities of high education which they now enjoy. Some of the provisions of the Bill involve the direct discouragement of private effort which has done so much to stimulate the spread of high education, and they are in entire conflict with the educational policy of the past. That policy is embodied in the great celebrated Education Despatch of 1854 which has been followed with unvarying consistency by the Government for the last sixty years. The cardinal features of that policy may be described as the extension of "the means of acquiring general European knowledge and the encouragement of private effort by a system of grants-in-aid, wherever necessary." It will be seen that the method of enunciation of the same policy is substantially different, and the spirit is different. While in 1882, the Government was anxious to do all that it could to foster a spirit of independence and self-help, in 1916, it lays special stress upon the need of restraining the efforts of private enterprise. In 1882, the Government did not ignore considerations of efficiency ; in 1916, it dwells upon them with great emphasis. We are at one with the Government in insisting upon a standard of efficiency. But it should not be of the ideal order. It should be fixed with reference to the circumstances of a people who are notoriously poor. The Government indeed recognise the fact "that the standard of efficiency which it is proper and possible to enforce in India is admittedly not so high as that which is attained in more advanced countries." Public opinion will support the Government in all reasonable efforts to check the growth of institutions which are both cheap and worthless ; but do not the results of the University afford a good test of efficiency, and is there not the self-acting principle, inexorable in its operation, that things nasty and cheap must disappear from a world where the survival of the fittest is the universal law ?

5. There seems to be an ideal in official quarters that the aided, and in a still larger measure, the unaided colleges are not as efficient as they might be. But what about the Government Colleges ? Are they always models of excel-

lence and efficiency? Do we not occasionally hear in connection with them of serious breaches of discipline and of drastic measures enforced to ensure respect for authority? If there is to be a standard of efficiency, let it be of uniform application, and not judged solely by reference to external appliances, such as libraries and laboratories, but by the larger, though perhaps more impalpable moral results, which, it is the aim and the end of all education to secure. The efficiency of the affiliated colleges is tested by the annual examinations of the university. It is to their interest that their students shall be successful and occupy high places at the examinations. They have thus to study efficiency from the point of view of self-interest, and efficiency is best ensured when it is associated with a motive which so powerfully appeals to our strongest impulses. I may say that I attach considerable importance to the university examinations as a test of efficiency. They are now practically the sole test upon which the universities rely. They were deemed sufficient by the founders of the universities and those who inheriting their traditions worked upon their lines. Are they not an exceedingly efficient test, if these examinations are properly conducted and suitable question-papers are set? If the tests which are now applied were tests of intellectual capacity rather than of memory, then we should hear less of the inefficiency of our universities. The spirit in which the Patna University Bill has chosen to deal with the establishment of a university appears to me more French than English.

### **Type of University.**

6. We want purely an examining University just similar to the type of Calcutta, Bombay, Madras, Allahabad and Lahore. As our country is exceedingly poor, the teaching or residential type of university does not at all suit our people. The framer of the Bill, with his tory and aristocratic ideas, wanted to make our educational institutions approach as nearly as possible the standard of Eton and Oxford. It was naturally difficult for the framer of the Bill to understand why poor men (such as the majority of our

middle classes happen to be) should be anxious to receive a sort of education which poor people's children in England and Scotland do not aspire to receive. We are sorry to feel that our indigenous colleges are to be destroyed by a stroke of the pen and that our meritorious students of limited means are to be excluded from the benefits of higher education by the devise of raising the fees, the duration of course of study, multiplication of additional subjects for each course and discouraging or abolishing private colleges. It may be all very fine for the scions of the English aristocracy, brought up in the lap of luxury, to imagine that it is only they and men like them who are fit to receive the advantages of higher education which they themselves have received in Eton or Rugby, in Oxford or Cambridge. For our part we cannot help remembering that some of our most distinguished men who were the first to be honoured by the Government itself with the highest offices ever yet attained by any resident of India and that these men would have never occupied the positions that they did if the difficulties and obstacles now sought to be thrown in the path of poor students had existed at the time when they were students in our schools and colleges. The economic condition of the middle class boys, who alone at present seek the portals of the University in preponderatingly large numbers, makes the adoption of such a costly University system undesirable. The Right Hon'ble Viscount Bryce, in one of his addresses to an American University, says:—"Whereas the Universities of Germany have been popular but not free and those of England free but not popular, the American universities, like those of Scotland, are both popular and free. Their doors are open to every one and every one enters. Not only have your universities been accessible to all classes but they have achieved what never has been achieved before,—they have led all classes of people to believe in the value of University Education and wish to attain it. They have made it seem the necessary part of the equipment of every one who can afford the time to take it."...And again "The four universities of Scotland are very

different from the English and rather resemble the universities of Germany, though far less equipped than are the latter,—for Scotland has been comparatively a poor country. They have always given a high quality of instruction and produced a large number of remarkable men. There are no residential colleges like those of England; so the undergraduates live in lodgings where they please and there is thus less of social life. But the instruction is stimulating and the undergraduates, being mostly poor men and coming from a diligent and aspiring stock, are more generally studious and hard working and self-reliant than are those of Oxford and Cambridge." From the point of view of economic condition of the classes who at least at present seek higher education, it must be admitted that this country is in no better situation than Scotland. We have quoted here authorities to show that Scotland is the stronghold of non-residential universities and that the universities in America and Germany also are non-residential.

The London University was founded in 1836 chiefly through the exertions of the Non-conformists and philosophical Radicals, as a means of imparting high education to youths outside the fold of the State-church or closely connected with a large business and political centre like London. It was, thus, a sort of protest against the older universities mediaeval methods. The new university was a non-residential and purely examining body, with only affiliated colleges which were outside its administrative control and not entitled to any financial aid from it. On this model the universities of Calcutta, Bombay and Madras were founded in 1854. In 1900, the University of London was reorganised so as to be a teaching as well as an examining body, with 24 colleges (some of them being sectional are called schools). It is on this model of London University or the universities of Bombay, Calcutta and Madras we require new universities in a poor country like India but we do not want the luxurious types of universities like Oxford and Cambridge as we poor people cannot afford to spend lavishly so much amount on the education of our youths.

7. I take it that there can be no more important national question than the question of education. I desire to lay down the following principles by which that question should be governed; firstly, the education of the people should be as much as possible in the hands of the people, secondly, the popular control over our educational institutions should not be even lightly interfered with until it has been plainly shown that popular control has been found altogether wanting. We want as little Government control as possible. We do not want difficulties to be put in the way of our poor students. I may be permitted without derogating from the dignity of the occasion to use a homely saying. I would remind you that "there are more ways of killing a cat than stuffing it with cream." We do not want our indigenous colleges to be harassed by undue interference. While we are prepared to welcome any reasonable and well considered reforms as regards the health, morality and education of our boys, we do not want the aristocratic standard of Eton or Rugby, Oxford or Cambridge to be established in this poor country. If I might venture to address you in the eloquent language which Virgil puts into the mouth of the Sibyll, I would say that:

"Had I a hundred mouths, a hundred tongues"

"A voice of brass and adamant lungs."

I could even then hardly hope to make sufficiently impassioned appeal to you as regards the vital importance of educating our masses.

### **Constitution of Senate.**

9. We cannot accord our unhesitating consent to the view that the nominated members should predominate in both the bodies of Senate and Syndicate. I am not one of those who contend that high education must be left entirely to the control of the people. On the other hand, I willingly concede that high education is one of the paramount duties of the State and that it must be nurtured and developed under the fostering care of a beneficent Government; but I deny most emphatically that it is necessary or

desirable to have any provisions in the Bill which may possibly convert the Universities into mere departments of State. It is quite possible to stunt the growth of a beautiful tree by constant pruning and too affectionate care. We find in the bill that the non-official Indian element will be in a minority, so as to dissociate them for all practical purposes from the Government of the University and to put all directive and administrative power into the hands of nominated members, who would be mostly Government servants. Besides, the highest purpose of British rule in India is not merely to govern the country sympathetically, but also to associate the people of the country with the work of the administration. The Senate should continue to be the final authority in the matter of the recognition of schools and colleges. The elective principle will be definitely recognised in the constitution of the Senate. The essential condition in a scheme of a limited Senate with terminable fellowships is that two thirds of the seats should be thrown open to election, so that those who do not see eye to eye with the special representatives of Government, may not be deterred from taking an independent line by fear of displeasing the Government. But to make all the fellowships terminable in five years and to keep practically four fifths of the nominations in the hands of Government will, in my humble opinion, seriously impair all real independence in the deliberations of the University. There are in the special circumstances of this country, three different interests which really require to be adequately represented in the University Senate. There is first the Government, which is of course vitally concerned in the character of the education imparted ; then there are professors and teachers who are actually engaged in the work of instruction ; and last, but not least there are the people of the country, whose children have to receive the education and whose whole future is bound up with the nature of the educational policy pursued. These three interests—at any rate, are not always thought to be identical and I think it is necessary to secure an adequate representation to each one

of them. I feel that it is only reasonable to ask that each interest may be represented by a fair proportion of the whole Senate. I would fix the number of ordinary Fellows at 90, and of these, I would have 15 nominated by Government, 15 either elected by or assigned to different colleges, and the remaining 60 thrown open to election by those who are graduates of different Faculties. The graduates have a permanent and an affectionate interest in their universities, and in all that conduces to their credit and reputation. Their participation in the affairs of their universities would inspire them with the sense of responsibilities and would enlist on behalf of educational reforms the sympathy and support of the educated community. There is no desire on the part of any one to divest the University of State-control. Such control, however, should be in the nature of general supervision rather than that of direct and active participation in the every day work of the University. In giving representation to colleges, I would take into consideration all these points which the Government wants to consider in affiliating an institution. I venture to think that such a plan will duly safe-guard all the different interests. I may mention that in the new constitution of the London University, out of 54 Fellows, 17 are elected by graduates, 17 by professors and teachers, 4 are appointed by the Crown, and the rest are nominated by certain bodies and institutions. It is impossible for us to support the provisions of the Bill on this point in allowing the nominated element to have an absolute majority in the Senate of the University, because such a state of things absolutely excludes for ever the chance of non-official element having its voice heard in any question that may at times crop up against the teaching element. It may however, be said that the creation of an academic Senate is in itself a desirable end, since, in other countries, the Government of the universities is in the hands of those who are engaged in the work of teaching. One reply to this argument is that the whole position is exceptional in India ; and that it is not fair to the people of this country that the higher education of :

their children should be under the exclusive control of men who want to leave this country as soon as they can, and whose interest in it is, therefore, only temporary, of course, the professors must have some voice in the deliberations of our University; but, with them must also be associated specially for the purpose of determining the broader outlines of educational policy, representatives of the educated classes of India. And it is because the Bill proposes to ignore this aspect of the question, and practically reverses the line of policy adopted by Government in this matter for over half a century that we look upon the provisions of the Bill as a distinctly retrograde one. Whatever on the other hand, has the contrary tendency deserves to be declared as reactionary. There is no doubt whatever that in this bill the proportion of Indian members in the Senate will be much smaller. The fellows elected by the graduates will, as a rule, be Indians; the Faculties will consist almost entirely of Government nominees and of such other persons as these nominees may co-opt. There is not much room for the hope that any considerable proportion of the Fellows elected by these Faculties will be Indians. As regards Government nominations, their choice will actually first fall on European educationists; then will come European Judges, Barristers, Civilians, Engineers, Doctors and such other people. As the number of the Senate is to be very small, one can easily see that there is hardly any margin for the inclusion of any except a very few most prominent Indians in the Government list. The Senate will thus be dominantly Europeans, with only a slight sprinkling of Indians just to keep up appearances. And it is this Senate and the Syndicate nominated by them that are armed with powers of control over affiliated colleges, which may easily be abused. It fills me with great sadness to think that, over fifty years of university education in this country, the Government should have introduced a measure which, instead of associating the Indian element more and more with the administration of the universities, will have the effect of dissociating it from the greater part of such share as it claims. I think the



ascendency of Englishmen in India in any sphere of public activity should rest, if it is to be of real benefit to the country, on intellectual and moral and not on numerical or racial grounds. I do hope that, whatever our deficiencies, we are not so dense as to be incapable of understanding what is in our interest, and what is not, nor are we so wicked and ungrateful as to bite the hand that is stretched to feed us. It is because we feel that this bill is of a most retrograde character and likely to prove injurious to the cause of higher education in this country that we are unable to approve its provisions, and it is because we hold this view that we deem it our duty to resist the passage of this Bill to the utmost of our power. We ask Government to make our high schools and universities free from official control. If our Indian gentlemen have been able to do anything efficiently, it is the management of the educational institutions. If they are fit and prepared to take any work on their shoulders, it is the management of their high schools and universities and there is no room why they should not, at the present moment, relieve the officials of this burden. Besides Indians can far better understand the requirements and feelings of the public than the officials, who seldom come in close and free contact with the people of this country. They can far better choose their course of study; they can far better fix the dates for the examinations and vacations which may better suit Indian students and professors than the few European professors who happen to be on the staff of certain colleges. Therefore, if we, the people of the country, have a real voice in the management of our university, we can make provisions for the industrial, technical and scientific education. And who are the people best entitled and most interested to judge of what is best for the interests of our children, and what are their special needs and requirements, and how their faculties can be properly trained? It is not men who are not in sympathy with our aims and aspirations, who are best fitted to introduce changes, so as to be suited to the best requirements of the community and the changing conditions of the time, so that it is very

important that the popular voice, that the power and influence of the people, should be felt in the counsels of universities. Education is recognized by all civilized countries as the panacea of all national ills; and I say, therefore, that we must get that education which teaches us our own rights and privileges. The Government thought, it appears, that by giving education to the people, they give rise to the political aspirations which they will not otherwise have. That is what some people feel to be the feeling of Government so long as they are retrogressive in their educational policy. It is a great blunder, it is a suicidal policy on the part of the Government to discourage education, because it is the educated people that appreciate the blessings of telegraph and science and the benefits of *Pax Britannica*. Ignorant masses cannot appreciate this; it is only educated classes that are the backbone of Government. It has been repeatedly urged upon the Government that if you educate the whole country you will find the people more educated than they are at present. If the masses of the people be educated, the wealth of the country will increase, the misfortune will decrease, the famine, plague and other ills will disappear, people will become more prosperous, Government revenues will increase and the tenure of Government will receive greater stability. The Hon'ble Mr. Hornell, the director of Public Instruction, Bengal, at a prize distribution ceremony, expressed a view that the only cure for anarchism was not less education and less schools but more education and more schools. Anarchism flourishes in Russia which is very backward educationally, but it is almost unknown in England where education is so widespread. The officialising of the university would mean, in the first place, the officialising of education. The officialising of education means that the Government will promote their own educational text books and other educational text books and other educational matters and so model the educational system as to transform the rising generation into Government clerks. We do not want officialised education, but that kind of education that will make us a nation. In

my opinion, it should be a kind of education which will beat with the pulsation of national life; it should be a kind of education which will give us higher ideals, which will teach the lessons of self-sacrifice to the nation as a whole. There is an example which goes to show how officialised education will be the detriment of our national interests, because, you will find, in some of our text books all those lessons dealing with our national heroes have been carefully weeded out. I would quote here what Mr. Bernhard Houghton says as regards officialised education. He says:—"Apart from these false views of heredity, officials in India are liable to a special bias on the subject of education owing to sources from which they are drawn. It must be admitted that neither Oxford nor Cambridge has been distinguished for any great zeal in the cause of really popular education. They stand for aristocratic and exclusive ideals, not for the democratic hope of an equally educated nation. Their pupils are profoundly impressed with the danger of a little knowledge; in fact, they seem to regard education, as though it were some potent medicine, to be administered only by the most skilful physicians, and even then with caution and misgivings. Clearly, then, officials in India have received no antecedent bias towards a general diffusion of education. And what little favour may still remain in them, official routine and bureaucratic influences will probably chill to freezing point. To a bureaucrat, education unless confined within the strictest limits, is of necessity odious." That is the reason why we proclaim, that education should be national and not officialised. Therefore we record our strong protest against reactionary policy that the Government had adopted towards the education. I further urge that the Senate should have power to frame Regulations, and exercise full and effective control over the affairs of the University. It should also be given the power to recognise schools and colleges to regulate the Matriculation examination. The Syndicate shall be subordinate to and under the direct control of the Senate. It should be the appellate authority of the Syndicate.

### **Constitution or Composition of Syndicate.**

9. The constitution of the Syndicate also is open to the grave objection that it goes much further than the Indian universities Act of 1904 in centering all power in the official and nominated members. The constitution proposed in the Bill would have a minimum of 4 elected non-official Indians and the remaining 12 shall be officials and nominated members. The object of the Bill appears to me to give three fourths of the seats on the Syndicate for the different faculties of professors and teachers as well the officials. I am opposed to this provision. The arguments I have urged above in regard to the constitution of the Senate apply even more forcibly in the case of the Syndicate. I would give one third representation to these men on the Senate, but having done that, I would leave the Syndicate to be composed of those whom the Senate consider to be best qualified. I really think it is not desirable to prop thus, by means of Statute, men whom the Senate does not care to put on the Syndicate. Considering the duties which the Syndicate has to perform, and considering that it will not be likely to have all colleges or even all classes of colleges represented on the Syndicate, a statutory majority of teachers and officials as such will be absolutely undesirable in the interests as well of the general public as of the colleges themselves. I may add that I would not object to a majority of officials and teachers on the Syndicate, if such majority resulted from an unrestricted election by the Senate, which would imply that the teachers and officials formed the majority because they were considered fit to be on the Syndicate and not simply because they were teachers and officials. In this Bill, the Syndicate, which is supposed to be the executive of the Senate in all modern ideas of University, is wholly independent of the Senate, which body is relegated to the unedifying and humbler position of a deliberative assembly without powers to enforce its decisions on the Syndicate in the administration of the University. In the existing universities the Senate is the supreme authority. After the Senate they have got an executive body which is called the Syndi-

cate is really speaking a Committee of the Senate elected wholly by the Senate. The Syndicate is then an executive body and it is practically responsible to the Senate although it has been found to be the gradually extending tendency of the present Syndicates that they are trying to usurp more and more power into their hands and it is a tendency which popular members in the Senates are always trying to combat. The new Patna University Bill gives the whole power to the Syndicate. The Senate is to be a mere debating club in the new University. The clauses in the bill distinctly say that the Senate is to be merely a deliberative body and that its decisions are not to be binding on the syndicate. The Senate is therefore an ornamental body without a soul. Out of 16 members on the Syndicate, the popular element will be about 3 or 4 to represent popular opinion. What will happen is that these popular members on the Syndicate may protest against any reactionary proposals, but the official members on the Syndicate will be able to carry out any proposal that they may have in their minds and do whatever they like with the system of higher education in the province. I am therefore entirely against the provisions of the Bill allowing the official majority in the Syndicate of the University, because such a state of things absolutely excludes for ever the chance of the non-official element having its voice heard in any question that may at times crop up against the teaching element. In these circumstances I hold that all the members of the Syndicate should be wholly elected by the Senate. There should be no nominated members on the Syndicate and no preference would be given to the professors of any particular College. The Syndicate should be the executive body or sub-Committee of Senate and it should be under the direct control of and subordinate to the Senate.

10. I know there is a body of opinion which favours the concentration of authority in expert hands ; but it must be understood that the employment of the non-academic general public in the administration of universities is productive of the best results, as it helps to liberalise the insti-

tutions and gives them a broader out-look. Professors may be admirable persons in their own way, but they have the weakness of their class and are obsessed with departmental ideas. Their views, however valuable in other respects, are of necessity tinged with narrowness especially on large questions affecting general interests. Their predominance in the university, without the corrective which the pressure of a powerful lay public provides, can only give it a narrowness which is detrimental to the larger interests of the country, and even to the special interests of education. It is therefore a ruinous policy to weigh a university with professors, and give the non-official public only a minor and subordinate position. And the Senate being the principal body through which the public can enforce its will in the University, it is absolutely necessary that the Senate should have its superior position and power in the Patna University or any other University of India. And the constitution of the Syndicate, as suggested above, should be radically altered so as to ensure the authority, independence and freedom of the Senate over the Syndicate.

11. His Excellency Lord Chelmsford, in his Calcutta University Convocation Address, said that he had occasion to read the report of the London University Commission presided over by Lord Haldane of 1913 and the report which *omnium consens* is of the highest educational value. May I now remind His Excellency that Lord Haldane's Commission propose the following constitution for the recognised London University as most likely to secure efficient and smooth working and promote improvement and the realisation of their ideals :--

- (a) The University legislature to be called the Court, composed of 200 members, and forming a widely representative and supreme governing body, in which teachers are scantily represented and laymen or outsiders form the majority. It would have final control over the statutes governing the university, the affiliation of Colleges, and the decision of all matters in which a minority of the

Senate appeal against the judgment of the majority....One of the principal advantages of a large body of this kind is that it should bring an intelligent lay judgment to bear upon the solution of problems which divide expert (educational) opinion. In the main this form of government has proved eminently successful (in the provincial universities of England), and we believe that it is equally suitable to the circumstances of the metropole." You will thus see that the Haldane Commission actually recommend wholly popular Government for the supreme governing body of the London University : *Ruat Coelum*. "Below the court, should be two bodies of experts dividing between themselves the actual conduct of the University business, viz., the Senate and the Academic Council."

- (b) The central Executive organ of the University, to be called the Senate, will be a small body of 15 members. It will be concerned with the administration and finance, including the appointment of the Vice Chancellor, the appointment or removal of all officers of the University, discipline, inspection of affiliated colleges, &c. The representatives of the teachers should be limited to two on this body of fifteen!
- (c) The Academic Council, a body of fifteen teachers together with the Vice-Chancellor, its function being mainly to advise the Senate on academic questions and incidentally to exercise executive powers only as regards educational matters delegated to it by the Senate. To this body the Senate should be able to delegate the power of deciding any academic matter involving a question of policy which ought to be determined from the point of view of the university as a whole and which therefore cannot properly be decided by any single Faculty. It will, there-

fore, afford a machinery for co-ordinating the work of the various faculties."

- (d) "The Faculties should each consist of the university Professors (or Readers, where there are no Professors) in the subject, and other teachers co-opted by the Faculty. It should have the power of appointing committees to act as Boards of studies,—determining the conditions for the award of degrees,—conducting examinations,—and advising the Senate as to the organisation of the teaching within the Faculty."

"The status of a Professor would always confer independence in the sense that his post would not be subordinate to that of any other teacher. The status of a Reader would also confer independence in the same sense, provided that there was no Professor of the same subject."

12. You will thus see what a vast contrast there is between the provisions of the Patna University Bill and the London University Commission Report of 27th March 1913. What becomes of the invidious colour line in the Education Department of the Government of India, by which raw Europeans are put at the very outset in the highest educational rank, while Indian Professors are kept in the Provincial service all their lives, and automatically become junior and subordinate to every I. E. S. teacher as soon as the latter is appointed? Is Lord Chelmsford prepared to accept the Haldane Commission's views in this matter, and ensure that the Government Colleges affiliated to the existing universities and the Constituent Colleges of the proposed universities are staffed by men chosen for their individual excellence and from the widest possible field instead of being kept as close preserves for the I. E. S. monopolists? We are quite familiar with gentlemen who obtain second class or even third class honours at Oxford or at some other English University and are fortunate enough to secure appointments as professors in Government Colleges in this country. If upon their arrival they pose as eminent



educational experts and show no unmistakable contempt for their Indian confreres, who may devote years of patient toil to the examination and solution of difficult educational problems, are the latter to be blamed if they show their impertinence of these self-constituted educational experts? The real danger in connection with this Bill is that, in spite of the best intentions and purest motives of the Government, the actual administration of its provisions will fall into the hands of fifth rate and unsympathetic teachers, of whom recent events have shown there are not a few in this country, who are uncharitable enough to imagine that the interest of the University which the best amongst the Indians feel is an interest otherwise than educational. What I demur to is that every obscure young man who manages to get a degree at Oxford and secures an employment in the Educational service here, should be regarded as an Apostle of Western learning. I therefore say that universities of the older type, such as the London University, are thus a necessity in India, unless the objective of encouragement and diffusion of high education is abandoned once for all. The Patna University Bill involves this abandonment to which we have our most serious objection and emphatic protest. It is extremely unlikely that once the ideal is changed for one province, the change will be limited to that province alone. It may be safely assumed that all the future universities will follow the same suit. This is a matter of immediate and most serious concern to the Central Provinces or any part of India; and as a citizen of these provinces I would enter my emphatic protest against the scheme of a provincial university embodied in the Bill. If His Excellency Lord Chelmsford, as expressed in his two recent speeches, has really any sympathy towards the high education of Indian youths, he would immediately get the Patna University Bill wholly recast on the lines recommended by Lord Haldane's London University Commission of 27th March 1913 so that His Excellency may win the lasting gratitude of the whole Indian nation.

## Powers of the Chancellor.

13. The Bill marks a departure in several important respects. The Chancellor is given more extensive powers of control, interference, initiation and veto than under the existing universities Act. Besides, the chief controlling authority, the Syndicate, will be practically an official body under the sway of the Chancellor. Out of 16 members these ex-officio members, the Vice-Chancellor, the Director of Public Instruction, and the Principal of the Patna Collège will be officials; 4 nominated by the Chancellor will be either official or obliging non-official are as good as officials; and at least 5, elected by the Senate from among the University staff or the teaching staff of the college of the University, will also be officials or safe non-officials bound to carry out the wishes of the Chancellor. Even if the non-official nominees of the Chancellor be thoroughly independent and the remaining 4 members be non-officials of the right sort, the official members of Syndicate will be to the non-official members as 10 to 6—a striking official majority in all conscience. Affiliation or disaffiliation of an institution is entirely dependent upon the Local Government which means Lieutenant Governor, who is the Chancellor in Council. The Chancellor has also the power of causing an inquiry to be made *suo moto* into any question connected with the administration of the University, and to pass any orders he pleases upon the result of such inquiry, such orders being binding upon every authority and every officer of the University. In view of these extraordinary, wide and comprehensive powers, the public might justly characterise the University as nothing better than a department of the State. The Chancellor is all powerful. Either directly or indirectly through the Vice-Chancellor or the Syndicate, he controls the whole machinery and every portion of it. Even the conferment of honorary degree is subject to confirmation by the Chancellor. This is an arrangement which can never appeal to the people in these days of progressive ideas. The syndicate was not to be responsible to the

Senate, but to the Chancellor, and the Chancellor as the head of the University was to be the one man who was to see whether the affairs of the University were properly conducted or not. All this was a most novel and unprecedented measure. This was not the constitution recommended by the London University Commission of 1913. It was a misnomer to call the proposed university a university. If an Indian University was to be worthy of its name, I would repeat the words of Sir Alexander Grant, Chancellor of the Leeds University that University should be independent bodies. What self-respecting man would be willing to serve on a Senate which was only a debating club and had no control on the affairs of the university or the Syndicate, and which will be run by one man, the Chancellor who had the arbitrary powers. I therefore say that the powers of the Chancellor should be the same as those of the Chancellors of the existing Indian universities, except that the Vice-Chancellor should be not nominated by him but be elected by the Senate.

### **Vice-Chancellor.**

14. The Vice-Chancellor, a whole-time officer appointed by Government shall be the chief executive officer of the University and independent of both the Senate and the Syndicate. He will inspect all colleges, and shall be unfettered in his action in the matter of discipline in the colleges of the University. In the existing universities the Vice-Chancellor was appointed by the Government from among the members of the Senate, but in this University he would be the head of the Senate and the Syndicate. He had both these bodies in his hands and could do whatever he liked with them as he had extensive power. He was also to be a stipendary officer. If the Vice-Chancellor was to be made a too powerful person the University was not to retain any powers at all. The constitution of the Patna University is wholly reactionary and is entirely incapable of responding the public demand and public opinion. It is therefore highly desirable that the Vice-Chancellor should be an honorary officer elected by the Senate from among its own members

for a term of years. His powers should be the same as in the existing universities. We want the diffusion of true higher education in the country and we can not therefore allow a department of the Government to be in charge of the whole system of higher education.

### **Opening of new Colleges.**

15. Under Lord Haldane's University Commission report of 1913, the area of the London University for the administration of constituent colleges and university departments will be the County of London; which has an extreme length of 16 miles, an extreme breadth of  $11\frac{1}{2}$  miles and an area of 184 square miles; whereas in the proposed Patna University the constituent colleges must be within a radius of one mile from the Senate House: This is a desire to suppress the expansion of higher education. No new college can be started in the interior of the Province for the simple reason that it cannot secure affiliation to the Patna University and no other university can recognise it. This is not a line of action consistent with the expansion, or with the central idea of universities in India. This is entirely a discouragement of all classes and denominations in the pursuit of a regular and liberal course of higher education. The classes of every college in India are crowded, everywhere the cry is for more colleges; The supply cannot overtake the demand for collegiate education. If once the Patna University is established as a department of State with its numerous restrictions and drawbacks, the pupils will perforce have to go without collegiate education or the youths of that big province must migrate wholesale to other provinces for high education. The Patna University does not, thus help the province to be independent of other provinces in the matter of University education. This is not the way to make Bihar and Orissa self-contained and progressive. We must see that the future of our country is dependent upon the wider spread of education. If we tell the young men of this country that they will not be allowed for higher

education, they are sure to be most discontented. Even politically the result of such a state of things is bound to be very bad, and I therefore say that the constitution of the university, from the point of view of external and internal colleges is the worst feature of this Bill. It appears to me that higher education was to be killed altogether and was to be confined only to Patna. It is therefore essential in the general interests of the people that there should be no restriction to the opening up of new colleges wherever there may be demand for them, or to the affiliation of any college in any subject and to any standard provided it is properly and adequately equipped. No college or educational institution should be disaffiliated without the approval of the Senate.

16. I would like to include the following reforms in the Bill :—

- (a) The Act should lay down the terms of office of the Vice-Chancellor, the Senate and the Syndicate.
- (b) Graduates of universities who are residents of the Province should be given an option to get themselves registered and these registered graduates should have the same rights and privileges as those enjoyed by the registered graduates of the Calcutta University.
- (c) Every University should establish the Faculties of Arts, Science, Law, Medicine, Engineering, Technology, Agriculture and Commerce. The wider extension of technical education, such as Agriculture, Commerce, Engineering, Industry and Medicine is often urged as a remedy in this country.
- (d) The appointment of teaching staff of the University should rest with the Senate.

17. We have been hearing of schemes of new universities for Burmah, Dacca, Nagpur, Poona, Ahmadabad, Karachi, Trichinopoly, and Maslipatam for the Andhras

Not only these but we are in need of hundreds of universities in a vast country like India. All these universities that are in contemplation are bound to become matters of realisation sooner or later and therefore if we permit a reactionary bill of this type to be once placed on the Statute Book the new universities will not have any of the few liberal provisions that are at present existing in our older universities. All the new universities will be modelled up on the new Patna University. It is therefore a question not only for Bihar and Orissa but it is very vital question for the whole of India. And it is a very important that every citizen of India shall declare his emphatic protest against this retrograde Bill. If the modifications I suggested above are not accepted by the Government, I think the people of Bihar and Orissa or of any part of India should prefer to remain without a separate university insted of having universities of highly retrograde and reactionary character.

18. The Patna University Bill on the whole contains provisions which are of a highly retrograde character being repugnant to the time honoured and traditional idea of university and being inconsistent with the principles and policy which dictated the establishment of existing universities in British India and which, by means of the Acts relating to them, have since their foundation regulated their Government, in as much as the bill in question proposes first, to invest the Chancellor with arbitrary powers such as deciding finally any dispute with regard to the election of any person to be a member of the Syndicate, or passing final orders on any question connected with the administration of the university, of nominating four persons to be members of the Syndicate, of appointing the University staff and of appointing a stipendary Vice-Chancellor and secondly, the Bill relegates the Senate to the status of a merely deliberative body without any power or control over the syndicate. Thirdly the Bill invests the Vice-Chancellor with powers far too extensive over the affiliated colleges and in other matters to retain adequate control over

the affairs of the University in the hands of the Senate and the Syndicate. Fourthly, the Bill stops the growth of new centres of higher education and culture in the province and is thus calculated to retard the progress of education in the province for all time to come.

19. The Bishop of Madras, in 1905, said regarding the educational work in India :—" Of course all educational work in India, Governmental and Missionary, is in a special sense experimental. It is technical and liable to frequent revisions and reversals of policy to a higher degree than similar work in white countries ought ever to be. The modern system of education in India is still in its infancy. The present is a time of intellectual revolution and change, when new ideas are coming into collision with the habits and traditions of centuries, and new wine is bursting the old bottles. In such an age of transition, when Englishmen, who do not understand the genius of the East, are attempting to create a system of education for Indians, who do not understand the genius of the West, it would be unreasonable to expect ideal perfection, and they ought not to be disappointed if they find that the results, whether intellectual or moral, are not wholly satisfactory." He continued :—" The advanced instruction given in the Indian universities is inappropriate for nearly all good purposes except that of supplying Government clerks and minor officials. Being inappropriate for good purposes it serves instead some very bad purposes." Sir Harvey Craik even goes so far as to describe it as fitted "to develop all that is worst in the oriental minds."

20. The educated community throughout this country will watch further progress of this Bill with keenest interest. To them the issues raised are of supreme importance. The whole of their future might be said to be at stake. Are they to have their present educational system strengthened, invigorated and adapted to modern requirements, combining height with surface, the steady expansion of the educational area with the gradual advancement of learning

or are they to have an emasculated system, shorn of the principle of growth and expansion, confined to an infinitesimal section of the people without influence on the life of the community and without power to mould it for the highest purposes of human progress? We have made our choice—we have proclaimed it with all the emphasis that we could command.

21. In this connection I would quote the authority of Mr. Thielton Mark. Here is what he said:—Education by its very nature, is anticipative. Its problems are the problems of tomorrow, viewed, as far as possible from the standpoint of to-day. A policy of '*standstill*' is out of the question; still more so, a falling back upon the standards and methods of the past. We shall only worthily show honour to the past by accepting its aid in order to excel it. This principle applies to the whole range of educational activity from the manner of organising a national department of education to the management of the single class and the training of the single child. We require a progressive system to meet a progressive need... Education is the nation's greatest work. Part of the strength of the English education lies in its diversity. The schools concern the citizens who support them, whether privately through school fees or publicly through taxation. Education is a people's question, and that affects the hearth and home, and at the same time teaches the very roots of national prosperity and all-around strength. President Washington said: "Promote as an object of primary importance institutions for the general diffusion of knowledge." Mr. Graham Balfour said: "The roots of education, if it is to be of any avail, must lie in the very hearts of the people." As the question of education mostly concerns the people, I say that all the Indian universities should be popular as in Europe and America. Officialised universities are of no use to us.

22. Before I conclude I should say that I have given most anxious attention to the points on which we felt bound to differ from the the Government, and that our differences,



are due to our approaching the problem of educational reform from somewhat different points of view. The Government has arrived exclusively at raising the standard of university education and college discipline on some of the measures of reform for the attainment of that exclusive object, naturally enough, tend to place education under the control of Government and small bodies of experts and to reduce the control of what is known as the popular element to repress imperfectly equipped colleges and schools, to deter students of average ability and humble means for the pursuit of knowledge and, in short, to sacrifice surface in order to secure height. While yielding to none in my appreciation of the necessity for raising the standard of education and discipline, I have ventured to think that the solution arrived at is only a partial solution of the problem, and that we should aim not only at raising the height, but also of broadening the base, of our educational fabric.

23. Those who are dancing to the tune of grotesque, new-fangled and officialised universities like what threatens Bihar, Dacca, Burma and C. P. would do well to ponder over these few lines that I cull from the leading article in the London Times Educational supplement:—"In an ideal system, a university, perfectly free from State control in educational Policy, would dominate the curricula and the examination tests of all classes and grades of schools and would be the connecting link between an industrial system and a school system. The university, on the one hand, would supply trained thinkers to industry; and on the other it would so grade the school that the adolescents would be given at the right moment their right place in industry. In an educational system dominated by a free university this could be done; it could not be done if it were undertaken by the State, since the business and habits of a State department are not to think in terms of education, but in terms of finance, of politics and even of intrigue."

"It is the recognition of this fact that has always made Oxford and Cambridge resent State intervention in what

may be called properly educational affairs. These ancient universities with their unique experience have always refused State grants since control, and the uncertainty of political consideration. The same feeling exists in the youngest university. The business of studium generale is to deal with the problem of learning in the widest sense without the uncertain and deadening effect of State intervention in matters of pure education." But while this is the ideal held up by the greatest of the world's newspapers and steadfastly adhered to by such ancient and world-renowned universities as Oxford and Cambridge, our rulers who are for the most part the products of these very institutions are ever for officialising all Indian universities, so much so that the constitution they have framed for the Patna, Dacca, Rangoon and Nagpur universities reduces them to the position of mere Government departments, and takes away what little independence and initiative is left to the older institutions. Every one connected with university life and administration should make a mental note of the principles enunciated by the London Times and resist the passage of this retrograde and reactionary Bill with all the emphasis they could command.

24. In the words of Sir Lyon Playfair, Universities are not mere store-houses of knowledge; they are also conservatories for its cultivation. I derive my conception of a university from the characteristics as they have been described by one of the foremost mathematicians of the age, Professor Forsyth:—"To my mind, a university is a corporation of teachers and students bonded together for the pursuit of learning and the increase of knowledge, duly housed and fitly endowed to meet the demands raised in the achievements of its purposes. In the prosecution of its academic aims the university should be free from all external censorship of doctrines; it should be free from all external control over the range, or the modes, or the subjects of teaching. Above all, thought should be free from fetters of official type; whether political from the State, ecclesiastical from the churches, or civil from the community, or

pedantic from the corporate repressive action of the university itself. In its establishment, the amplest power that wisdom can suggest should be conferred upon it. In working out its intellectual salvation, the exercise of those powers should be vested in select bodies of fit persons, sufficiently small in number to be efficient, yet large enough in number to prevent degeneration into an intellectual clique, changing sufficiently from time to time to prevent the dominance of merely personal policies, and representative enough to be in touch alike with the experience of the past and with aspirations for the future, so far as these have taken shape or acquired definition." With this conception of an ideal university before our mind we find it impossible to accord to all or any of the provisions of the Bill our unhesitating and unqualified approval. We yield to none in our desire to see a statute for the reform of the Indian universities as free from objection as possible, and we have striven to attain that object according to the best of our lights ; and we confidently hope that our endeavour will be wholly successful. Government is bound to make a great experiment and let us hope that our fears and misgivings will prove unfounded. If the provisions of the Bill help in any measure to secure realisation of the university of the type so eloquently described by Professor Forsyth the promoters of the measure will rightly have earned the lasting gratitude of the future generation of Indian students ; if, on the other hand, these provisions in any way injure and retard, as they are bound to be, the cause of high education, the obloquy and reproach of the measure must necessarily attach to the same individuals.

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# Industrial Development in C. P.

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*(Reprinted from the Hitavada, dated 24th March 1917.)*

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## **Tumsar Tirodi Tramway.**

At such a time as the present when Manganese Ore deposits of India are a great asset to the British Empire in the great world-war that is being waged for the principles of civilization, it cannot but be acknowledged that without the means of transport afforded by the Tumsar Tirodi Tramway miners of Manganese Ore would have very great difficulty in meeting their obligations and thus providing the British and Allied Governments with one of the commodities most essential to the successful prosecution of the War. In this connection one is compelled to look back to the pioneer days of the industry in the Central Provinces and admire the courage and foresight which despite opposition and the pessimistic views of other mine owners prompted Mr. H. D. Coggan, the Manager of the Central India Mining Company Ltd., to tackle the serious question of transport and eventually prevail upon his Company to allow him to construct the line. Up to the end of March 1916 the line was known as the "Bhandara Tramway" and was successfully worked by the C. I. M. Co. Ltd. At the end of the current month one year will have lapsed since this Tramway had been taken over by the B. N. Ry. Co. Ltd.

Mr. Coggan has been the pioneer in the construction of Light Railways for transport of Manganese Ore from the mines to the Railway Stations on the B. N. Ry. Since his arrival in these Provinces as far back as 1901 when he worked as Agent of Messrs. Jambon & Cie. a French Firm "Vive la France" in Calcutta and the original owners of the mines of the C. I. M. Co. Ltd., he constructed a Light

Railway of about  $5\frac{1}{2}$  miles in length from Tharsa to Waraigaon and began railing their ore from that mine in Light trucks by hand traction. When the C. I. M. Co. Ltd., was floated by Messrs. Killick Nixon & Co., of Bombay, he put before them the proposal of extending this line to their Kachurwahi Mine a mile and a half distant to the west and a further distance of 8 miles to their mines at Mandree and Manaigaon and the whole system made ready for steam traction in 1905. A further extension to Lohdongree mine of the Central Provinces Prospecting Syndicate was also laid down and a considerable quantity of ore has been railed thence to Tharsa.

The Bhandara Tramway, however, is a longer line of about 55 miles in length including its branches, connecting not only the C. I. M. Co.'s mines with Tumsar Road but mines of other Manganese Concessionaires. In my case an extension of 5 miles was laid which enabled me to export 230569 tons from my mine at Tirodi in the Balaghat District bordering on the Bhandara District. I have ascertained that the quantity carried by this Tramway since its construction in March 1906 up to the 31st March 1916 was over  $1\frac{1}{4}$  million tons. Had this line not been constructed the cost of working the far distant mines North of the Bawanthuri River would have been prohibitive and though the ore could have been carted to Katangi in the case of the ore from my mine and to Tumsar Road in the case of others the quantities that could have been transported by this primitive method would have been very small, and the maintenance of the P. W. D. Roads exceedingly expensive. In fact it would have been almost impossible to have kept the P. W. D. Roads in a state of repair as carting a commodity like Manganese Ore which is very heavy was practically destroying the road between the mines and Tumsar Road. The B. N. R. had surveyed a line from Tumsar to Katangi but for some reason or other gave up the idea of construction. In spite of rumours that they would construct a N. G. line Mr. Coggan began to accumulate rails and sleepers at Tumsar

Road for his Light Railway and the Local Government whom he was able to persuade that the construction of a light line was a sine qua non, granted him permission to construct it with a free concession for the use of the side of the public road for about 20 miles of the total distance. Part of the line was surveyed by Mr. Coggan himself until he could secure Assistant Engineers and construction was pushed as hard as possible, ore having been railed from rail head in October 1906 which was then at Coberwahi about 18 miles from Tumsar Road, six months after the first sod was turned. To be brief, the whole system was soon completed with officers' quarters, a dispensary, stations and Gang Houses at intervals and a Workshop at Tumsar Road. Telephone communication was established throughout and regular service maintained for ten years before the line became an integral part of the B. N. R.

Every facility was granted to those who offered ore to carry, by granting permission to their representatives to travel on their own light trollies on the line and siding laid at the mines at short notice for loading trucks. Government Officers were supplied with special trains and trollies at short notices to travel in the District. In fact, no one who has had any dealings with the C. I. M. Co.'s Agent and General Manager will say that they had not received every consideration at his hands.

It is mainly due to Mr. Coggan's foresight that the Tramway proposal in the Bhandara District had matured and he was backed up by Messrs. Killick Nixon & Co., the Managing Agents of the Company one of the foremost British Merchants in Bombay. Their work was quietly and unostentatiously done and although their connection with the line has now ceased, I feel sure, without a pang of regret to them, they will at least have the satisfaction of feeling that their enterprize has now become no small a factor in the means to that victorious end to which our Government and its Allies are so gloriously and surely striving.

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# Electioneering Letter I.

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To

## THE LANDHOLDING ELECTORATE

*of Nagpur and Chhattisgarh Divisions.*

DEAR SIRs,

On the 29th June 1916 when the landholding Electorate of the Central Provinces were to elect one member to represent their interests in the Imperial Legislative Council, I was asked by the learned editor of the Maharashtra certain questions as to the programme I laid out to work in the Imperial Legislative Council (*vide* copy enclosed for your perusal). I would now request you to refer to my answer dated the 5th July 1916 (*vide* copy enclosed for your perusal) which will give you an idea as to the views I hold on the most important and burning question of the day particularly the question of the achievement of Self-Government in India on the colonial model.

2. I beg to point out that I would to the last of my life maintain inviolate my fidelity to the principles I set forth in my reply dated the 5th July 1916 addressed to the learned editor of the Maharashtra as per copy enclosed.

3. Mr. Lionel Curtis very rightly observes in his "Problem of the Commonwealth":—"The exercise of responsibility tends to increase fitness for exercising it. As every one finds in his own experience, it is in having to do things that a man learns how to do them and develops a sense of duty in regard to them. And that is why political power is and ought to be extended to whole classes of citizens, even when their knowledge and sense of responsibility is still imperfectly developed." A candidate is fit or unfit you will not know unless you elect him as your representative to look into the affairs of the Legislative

Council as best as he may. Unless you give him that right you can never judge his ability, capacity and independence in the Council work. As Mr. Robertson puts it so clearly in his *Rationale of Autonomy*: "only by development out of unfitness, obviously, is fitness attainable". What I therefore say is that you should not be influenced by the good work done by my honourable friend and confrere, Rao Bahadur Narayan Rao Kelker of Balaghat. You must understand that every candidate is apt to do good work in the Council if you only give him an opportunity to go into the Council as your representative. You should not take it as a postulate that Rao Bahadur Narayan Rao Kelker is and will be the only candidate who will do good work in the Council and others will not. This is only a delusion. Delusion can never be triumphant in the national cause.

4. I therefore confidently hope and trust that you would deeply consider over the matter of this election and do justice and fair-play in recording your vote unbiassed and unprejudiced in favour of such candidate whom you consider the best to be your spokesman in the Legislative Council! unmindful of the persuasions or dissuasions of those who are interested in one candidate or the other.

I remain,

DATED KAMPTEE,  
the 28th May 1917. }

Yours very sincerely,  
D. LAXMINARAYAN.

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NALPUR,  
MAHARASHTRA OFFICE,  
29-5-16.

To

R. S. D. LAXMINARAYAN.

*KampTEE.*

DEAR SIR,

I learn, you intend standing as a candidate at the ensuing election of a C. P. member of the Imperial Council in behalf of the Land-holders in these Provinces.



While congratulating you on your intention may I ask you to kindly let me know about the programme of work which you have doubtless laid out ? I think I will be doing you service by publishing the same in my paper, as it may enable the voting public to form their opinion with regard to the relative merits of the competitors and vote accordingly. Particularly I should like to know what attitude you will take, if elected, with regard to the following questions :—

- (a) Existing inequality of treatment of C. P. as compared with other provinces in point of Imperial doles.
- (b) Interests of C. P. Landholders as bearing on settlements, etc.
- (c) The Press Act ( It is very likely that the question of the repeal of the Act will soon be moved in the Imperial Council ).

And early reply is requested.

Yours sincerely,  
(Sd.) G. A. OGALE,  
EDITOR, MAHARASHTRA,  
*Nagpur C. P.*

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KAMPTEE, C. P.  
*Dated 5th July 1919.*

TO

GOPAL ANANT OGALE, ESQR.,  
EDITOR, MAHARASHTRA,  
*Nagpur, C. P.*

DEAR SIR,

I beg to acknowledge with thanks the receipt of your letter dated the 29th ultimo and in reply I have much pleasure to inform you the programme of work I had laid out to perform in the Imperial Council. I would advocate for the prosperity of this province and substantial progress

to be made in the following interests provided I am elected by the voters to the Imperial Council :—

- (1) Agricultural interests (include (a) often recurring or revision of Land Settlements, (b) *malguzari* interests, (c) rights of tenants, and (d) forest and grazing rights of agriculturists).
- (2) Mining interests.
- (3) Educational interests (include elementary, secondary and higher education).
- (4) Development of Local Self-Government.
- (5) Commercial and Industrial interests.
- (6) Complete separation of Judicial and Executive functions and only men from the legal profession should be recruited for the judicial posts.
- (7) Higher appointments to Indians in Imperial service without the distinction of caste, creed, colour or religion as laid down in the Charter Act of 1833 and in the Queen Victoria's memorable Proclamation of 1858.
- (8) Trials by Jury system, and the last but not the least is
- (9) To secure Self-Government to India on Colonial lines.

These are the political principles I have in view. As Lord Morley truly and with deep insight said :—" Political principles are, after all, the root of our national greatness, strength and hope," and his other important utterance which I quote with this one sums up the whole position of the Indian problem. He said :—" The meddling, wrongly with economic things, that is going to the very life to the very heart, to the very core of our national existence."

This meddling wrongly with economic things is the whole evil from which India suffers--and the only remedy for it is—" Political principles are, after all, the root of our national greatness, strength and hope." And these political principles are summed up in Self-Government. Self-Govern-

ment is the chief panacea. In Self-Government lies our hope, strength and greatness. These are before me the lofty ideals which I would often and often put forward in the Imperial Council. I would now answer your particular queries :—

- (a) There is no marked inequality of treatment in the matter of Imperial grants so far as C. P. is concerned. Of course we want as much money as we can screw out of the Government of India, but that is a different thing. The chief direction in which reform should go is the one towards Provincial fiscal autonomy. There should be no divided heads of revenue. The Government of India should be provided with fixed contributions from the provincial Governments; such fixed contributions being liable to revision when extraordinary and unforeseen contingencies, such as the present one, render such revision necessary. Except customs, post, telegraph, mint, salt, opium, Railways, Army and Navy, and tributes from Indian states, all other sources of revenue should be provincial.
- (b) The land question in India will not be solved, and I will know no rest till Permanent Settlement on Manu's principles is granted to India, the land revenue is received in kind in proportion to the produce and half-rental Saharanpur rule including cesses is adopted and till all these three principles are recognised by Statute as recommended in para 252 of the Royal Commission upon Decentralisation. You must have already formed an opinion from my articles hitherto appeared in the local press on the land question. I would, if elected, hold the same view as I had hitherto done in regard to the C. P. Landholders as bearing on settlements and assessments.
- (c) I have always been of opinion that there was no necessity to pass the Press Act in 1910. If I had

any doubt, the speech of Sir Herbert Risley in the Council and the instances that he mentioned in support of his argument showed to my mind that there was no need for it. No newspaper nor a public man can escape the operation of the law. In the Act too much power has been given to the Executive. Without any sufficient external safe-guard, the power was bound to be abused. Here I may refer to the judgment of Sir Lawrence Jenkins in the 'Comrade' case. The way the power has been used and abused has strengthened my opinion.

When I say that there was no necessity to pass the Act in 1910, as a matter of course, the Press Act should be repealed without any further delay. Besides it was avowedly intended to suppress anarchist movements. And now that it has been placed beyond a reasonable doubt that India is loyal, where is the necessity to keep it on the Statute Book? It is high time that we agitate whole-heartedly to get it repealed as long as it remains on the Statute Book no Indian paper is safe. It is very regrettable that a news-paper has to correspond to the ideal of goodness set up by the Magistrates. But a paper that has to conform to the ideal formed by Deputy Commissioner can scarcely be a popular paper. It will be a demi-official organ. It will cease to represent the views of the public. Instead of using power so arbitrarily, it will be better to say that from a particular date all Indian papers should cease to exist. If a resolution is moved in the Council for its repeal, I will be the first man to second or support it very strongly. If no other member moves a resolution for its repeal, I would take the first opportunity to move it. This is my attitude, if elected, towards the Press Act of 1910.

Although I withdraw from the candidature, I have answered your queries to the best of my ability and knowledge.

Yours sincerely,  
(Sd.) D. LAXMINARAYAN.

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## Electioneering Letter II.

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*(Letter addressed to the landholding electorate of Nagpur and Chhattisgarh Divisions 1st June 1917.)*

You must have learnt from an announcement in the Hitavada of the 14th April 1917, the Maharashtra of the 18th April 1917 and the Nagpur Berar Times of the 21st April 1917 that I intend to appear myself as a candidate at the forthcoming election of a member of the Local Legislative Council by your constituency. Before venturing to request you for your support towards my candidature, I would request you to kindly peruse the pamphlets, which I take the liberty to send you under separate cover today. I am sure it will give you an idea as to the views which I hold on some of the most important questions of the day, particularly the question of agrarian legislation in these provinces, to the study of which, you now know from the pamphlet, I have given special attention during the last three years.

2. At the request of very large and respectable portion of your body, I appear before you as a candidate for a high and solemn trust, which uninvited, I should have thought it presumption to solicit, but which, thus invited, I should think it cowardice to decline. If I had felt myself justified in following my own inclinations, I am not sure that even a summons so honourable as that which I have received would have been sufficient to draw me away from pursuits far better suited to my taste and temper than the turmoil of political warfare. But I feel that my lot is cast in times in which no man is free to judge, merely according to his own taste and temper, whether he will devote himself to active or to contemplative life; in times in which society has a right to demand, from every one of its members, active and strenuous exertions. I have, therefore, obeyed your call; and I now present myself before you for the purpose of offering to you, not, what I am sure you would reject with disdain, flattery, degrading alike to a candidate and to a constituent body;

but such reasonable, candid, and manly explanations as become the mouth of a free man ambitious of the confidence of a free people.

3. It is hardly necessary for me, to say that I stand before you affectionately connected with your great community. It would be mere affectation not to acknowledge that with respect to local questions I have much to learn; but I hope that you will find in me no sluggish or inattentive learner. From an early age I have felt a strong interest in your constituency, although attached to Kamptee by no other ties than those which are common to me with multitudes; that tie which attaches every man of Indian blood to the ancient and renowned glory of our race; that tie which attaches every student of history to the spot ennobled by so many great and memorable events. If to those ties it shall now be your pleasure to add a tie still closer and more peculiar, I can only assure you that it shall be the study of my life so to conduct myself that you may have no reason to be ashamed of your choice.

4. Those gentlemen who invited me to appear as a candidate before you were doubtless acquainted with the part which I took in public affairs during the last half decade. Circumstances have since that time undergone great alteration; but no alteration has taken place in my principles. I do not mean to say that thought, discussion, and the new phenomena produced by the operation of a new representative system, have led me to modify some of my views on the burning questions of the day; but, with respect to the fundamental principles of Government, my opinion is the same as laid down in Article I of our Congress Creed. If you send me as your representative to the Local Legislative Council, I wish you to understand that I shall go there firmly determined to support your interests and advocate reforms that ameliorate your status. I may possibly, by your kindness, be placed in the proud situation of your representative; but I may say, I have no right to sacrifice your interests to my personal or private feelings: my principles do not permit me to do so; nor do my friends expect that I should do so.

Delusion may triumph: but the triumphs of delusion are but for a day. I may be defeated: but my Principles will only gather fresh strength from defeats. While one shred of the old banner is flying, by that banner will I at least be found. The good old cause, whether vanquished or victorious, insulted or triumphant the good old cause is still the good old cause with me. Whether in or out of the Legislative Council, whether speaking with that authority which must always belong to the representative of this great and enlightened community. Or expressing the humble sentiments of a private citizen, I will to the last maintain inviolate my fidelity to Principles which, though they may be borne down for a time by senseless clamour, are yet strong with the strength and immortal with the immortality of truth, and which, however they may be misunderstood or misrepresented by contemporaries, will assuredly find justice from a better age.

5. Gentlemen, it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinion, high respect; their business, unremitted attention. It is his duty to sacrifice his repose, his pleasures, his satisfactions, to theirs, and all, ever, and in all cases to prefer their interest to his own. To deliver an opinion, is the right of all men; that of constituents is a weighty and respectable opinion, which a representative ought always rejoice to hear; and which he ought always most seriously consider. Your faithful friend, your devoted servant, I shall be to the end of my life; a flatterer you do not wish for. From the first hour I was encouraged to court your favour, I have never promised you anything but humble and persevering endeavours to do my duty. The weight of that duty, I confess, make me tremble; and whoever well considers what it is, of all things in the world, will fly from what has the least likeness to a positive and precipitate engagement. To be a good member of the Legislative Council is, let me tell you, no easy task; to unite circumspection with vigour, is absolutely necessary.

6. However, gentlemen, I would like to draw your attention to a few practical points in regard to the forthcoming election. The franchise which you may enjoy is a sacred privilege and it should be exercised with care, caution and responsibility. Neither money, favour, influence nor pressure can purchase a truly honest vote. You ought to realise your sense of responsibility in the matter and your obligation to the constituency you represent. Such a voter cannot fail to make an appropriate choice. As for the candidate who seeks the suffrage, he should be a public spirited gentleman of good moral character, well-informed, sympathetic and patriotic enough to subordinate private and personal interests to the larger interests of the public. It can at least be expected that the best of the candidates in the field would receive all possible encouragement and support at your hands. If you know well your duty and do it properly, attention to the best interests of the public is assured and civic life would be purified.

7. I do not know, gentlemen, whether I possess those qualifications. It is for you to judge. But I would unhesitatingly say that my honourable friend and colleague, Rao Bahadur Narayan Rao Kelker of Balaghat *does* possess all those qualifications and I do not for a moment deny the excellent work done by him in the Legislative Council during the last three years; but that is no argument to perpetually monopolise the seat in the Legislative Council to the total exclusion of the other members of the society. You made your choice last time by electing him as your representative. This time, it is fair and just that your choice should fall on me. According to the modern principles of politics the duration of British Parliaments is fixed at five years and that of Indian Legislative Councils is fixed at three years. Members vacate their seats at the end of each legal term and make room for others. Why? What is the secret of it? Because the Legislative Council is an authencum of political and popular education. Every member of the society should therefore be well educated in the Council work. If council seats are perpetually monopolised by one



and the same candidate the others will be left untrained. The truth is that if you choose the same member you have no representation at all. The mind of the people goes on changing; and the members, remaining unchanged, cease to reflect the opinion of the constituent bodies. The effect must necessarily be to limit you in your choice of able men to serve you. Now in all questions of this sort, it is the part of the wisdom to weigh, not indeed with minute accuracy, - for questions of civil prudence cannot be subjected to an arithmetical test, but to weigh the advantages and disadvantages carefully, and then to strike the balance. Gentlemen will probably judge according to their habits of mind according to their opportunities of observation.

8. I therefore appeal to you not to look upon one candidate or the other with a jaundiced eye. You must give an opportunity to every candidate to prove his ability and capacity in the Council work. If you close the portals of the council against the other candidates, you will not be able to judge their ability and capacity as Councillors. These barriers of Prejudice, instead of fostering, will retard the progress of the country.

9. These are the considerations I have ventured to put forth before you. These are the conclusions I have rightly arrived at and I confidently hope and trust that you will not be swayed by the persuasions of dissuasions of those who vainly affect and pose to be your leaders and well-wishers but record your vote in favour of one candidate or the other according to the dictates of your own conscience.

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## Electioneering Letter III.

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*(Letter addressed to P. V. Gharpure, Esq. Bar.-at-Law,  
Wardha C. P.)*

I beg to acknowledge with thanks the receipt of your letter of the 28th ultimo which reached my hands on the afternoon of the 30th ultimo and in reply, I beg to answer your queries as follows:—

1. I am decidedly in your favour of Self-Government being granted to India as per scheme jointly and unanimously approved and passed by the Indian National Congress and the All-India Moslem League at the last Lucknow Session immediately after the termination of the War. I would never assent to its postponement to an indefinite distant future.

2. Regarding your questions Nos. 2 (a), 2 (b), 3 (a) and 3 (b), I beg to state that I am a Home-Ruler and sympathiser of the Home-Rule but I am not the Home-Rule-Leaguer. This however should not preclude me from being elected a member of the Local Legislative Council. I may point out here that there is no popular movement in this province in which I have taken no part. As I am already a member of the Provincial Congress Committee and the All-India Congress Committee, I belong to the creed of article 1 of the Congress. I therefore thought it and rightly thought it unnecessary to become the member of the Home-Rule League as the ideals of both the Indian National Congress and the Home-Rule League are identical. I find no variance of any kind whatsoever between the ideals of these two national associations. These are only the synonyms but the principles and ideals of both are the same. I would, however, request you to go over the enclosed printed appeals to the voters from which you will be able to clearly judge what view I hold towards the grant of Self-Government to India on Colonial Lines.

3. In June 1918, the General Secretaries of the All-India Congress Committee asked to make any suggestions I may think best towards the grant of Self-Government to India. I drafted a scheme and submitted it to the All-India Congress Committee but unfortunately it was rejected by the majority of members and I had to submit to their decision.

4. Again on the 10th November 1916, Mr. G. A. Natesan, the Editor of the Indian Review, Madras, asked me to express my opinion on the memorandum submitted by the 19 elected members of the Imperial Legislative Council to His Excellency the Viceroy. On the 4th December 1916, I sent him the very scheme I had sent to the All-India Congress Committee and he was very kind enough to publish it at pages 826 to 828 of December Issue of the Indian Review. If you read these pages, you will at once come to a conclusion that I expressed my views as a staunch nationalist. You will thus see that none of the candidates who are standing for election this year are so clear, explicit and out-spoken as I am in regard to the grant of Self-Government to India immediately after the War. In spite of such explicit expression of opinion, I do not see any reason why the voters should apprehend my attitude towards such an important national question. All will agree that I am as clear as the moonday light in regard to the grant of Self-Government to India immediately after the War.

5. These are the reasons I ventured to put forth before you and I earnestly hope and trust that you will be kind enough to explain my views to the voters and ask them to vote for me.

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# Electioneering Letter IV.

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*(Letter addressed to S. S. Gupta, Esq., B.Sc., LL. B.*

*Drug C. P.)*

I beg to acknowledge with thanks receipt of your kind letter dated the 9th instant and in reply I am sorry to say that I could not reply it earlier as I was engaged in a big case for the last fortnight.

2. In connection with the aim I pointed to you in my printed letter of the 28th May last we hear a great deal about agitators and agitation. Agitation is the life and soul of the whole political, social and industrial history of England. It is by agitation that the English have accomplished their prosperity, their liberties, in short, their first place among the nations of the world.

3. The whole life of England, every day, is all agitation. You do not open your paper in the morning but read from beginning to end it is all agitation—Congress and Conferences—Meetings and Resolutions without end, for a thousand and one movements local and national. From the Prime Minister to the humblest politician, his occupation is agitation for everything he wants to accomplish. The whole Parliament, Press and Platform is simply all agitation; agitation is the civilized, peaceful weapon of moral force. Perhaps a few words from an English statesman will be more seditive and satisfactory. Macaulay has said in one of his speeches :—"I hold that we have owed to agitation a long series of beneficent reforms which would have been effected in no other way...the truth is that agitation is inseparable from popular Government...Would the slave-trade ever have been abolished without agitation? Would slavery ever have been abolished without agitation?"

4. For every movement in England—hundreds, local and national--the chief weapons are agitation by meetings, demonstrations and petitions to Parliament. These petitions are not any begging for any favours any more than

the conventional. It is the conventional way of approaching higher authorities. The petitions are claims for rights or for justice or for reforms, to influence and put pressure on Parliament by showing how the public regard any particular matter. The fact that we have more or less failed hitherto, is not because we have petitioned too little. One of the factors that carries weight in Parliament is the evidence that the people interested in any question are really in earnest. Mr. Asquith had urged as one of his reasons against women's franchise in England, that he did not see sufficient evidence to show that the majority of the women themselves were earnest to acquire the franchise. We have not petitioned or agitated enough in this province at all in our demands. In every important matter we must petition Parliament with hundreds and thousands of petitions—with hundreds and thousands of signatures from all parts of India. Agitate, agitate over the whole length and breadth of this province in every nook and corner—peacefully of course—if we really mean to get justice from the Imperial Government. Satisfy the Government that we are in earnest. All India must learn the lesson of sacrifice of money and of earnest personal work.

5. Agitate, agitate means inform. Inform, inform the Indian people what their rights are and why and how they should obtain them, and inform the British people of the rights of the Indian people and why they should grant them. If we do not speak, they say, we are satisfied. If we speak, we become agitators ! The Indian people are properly asked to act constitutionally while the Government remains unconstitutional and despotic. Times change, circumstances are misunderstood or changed, better light and understanding are or new forces come into play, and what is settled to-day may become absolute to-morrow. Organisations which I suggest and which I may call a band of political missionaries in all the provinces, will serve many purposes at once to inform the people of their rights as British citizens, to prepare them to claim those rights by petitions and when the rights are obtained to exercise and enjoy them.

6. Among the duties which I have said are incumbent upon the Indians, there is one, which I would mention here. I mean a thorough political union among the Indian people of all creeds and classes. Once Home-Rule or self-government is attained then there will be prosperity enough for all, but not till then. The thorough union, therefore, of all the people for their emancipation is an absolute necessity. All the people in their political position are in one boat. They must sink or swim together. Without this union all efforts will be vain. There is the common saying, "united we stand-divided we fall". I repeat once more that our emancipation depends upon the thorough union of all the people of India without any obstruction. Let every one of us do the best we can, do all in harmony for the common object of Self-government. I therefore say that any practical method which I may individually look out will have no effect unless it is put forward collectively. Any practical programme of work I may singly consider will be infructuous unless our leaders collectively lay out a propaganda of work. I approached on several occasions, our leaders of this province for collective action but it was in vain.

7. The desire of the Indian National Congress and the All-India Moslem League is that India should obtain Self-government as per scheme jointly passed by them in the last Lucknow session immediately after the war. I think it is increasingly necessary to send out a deputation to England to plead the cause of Self-Government for this country. British Democracy is the ultimate arbiter of India's destiny, and before British democracy we must lay India's case as soon as possible. India must be got rid of tentacles of our present bureaucracy, and the only way to do it and the only way to reach over good affairs to be to awaken the British elector to his sense of responsibility in connection with the governance of this country. The old methods of Government will not do, and the bureaucracy must give way to a modern system. It is therefore, absolutely necessary to carry on our agitation in regard to self-government in England as soon as possible and as effectively

as we can. There is just now a feeling in the better mind of England that India instead of being treated any further as a dependency or an appanage of the Empire, should be treated as a partner nation. Mr. Lloyd George has given expression to that ideal; responsible ministers of self-governing dominions have endorsed that view; men of influence and weight in all sections of British political life have hastened forward to hold forth hopes and promises to us. The iron seems to be red, and now is the time to strike it. While, therefore, we may be breaking over head against a dead wall in India, we may find a very kind response in England to our appeal. The war may yet take a long time in finishing, and Englishmen at home may be now fully absorbed with thoughts of the war. Yet, opportunities are bound to occur every now and then in the press of England. On the platform of the United Kingdom, in the lobbies of the House of Commons, in Club land and society life to talk matters over regarding India and prepare the ground for the endorsements of our ideals. If England knows what we want and why we want it, if England is sure of the loyalty and devotion of India, if the East is ever to meet to the west in political comradeship, then our case must receive the hearing which it deserves. India can not do without England, nor England without India, and, if the friendship between them is intended to be lasting, England must give a Government to India which will be acceptable and responsible to her people. That is only how a democracy will be able to govern an Empire. The Government of an Empire by a democracy, as Lord Cromer and Lord Morley have pointed out so often, is an experiment which has not succeeded either in Ancient Rome or in mediaeval ages or in our own day. Yet no body knows why British democracy shall not be able to retain within its larger Empire, if only the conditions of rule are democratised in this country. No matter whether the Empire is in the East or in the West. The bulk of the people of England remain unconverted to this view, and the work of converting them will have to be taken in hand immediately. I therefore urge the Indian leaders to

send out a deputation to England, as soon as possible to awaken the British elector to his sense of responsibility in connection with our Government. If we can once convince the people in England that the Indian bureaucracy can not part with powers gracefully and that it has already become an anachronism and that democratic ideas are permeating the Indian people right through, we shall have won half our battle.

8. I think I have answered your queries satisfactorily and earnestly hope and trust that you will be pleased to support my candidature with all the power you could command over the voters. I sent you today by separate registered parcel five pamphlets containing my speeches and writings on the burning questions of the day. You will know my views when you read them.

Thanking you very much in anticipation.

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## Electioneering Letter V.

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I intend to offer myself as a candidate at the forthcoming election of a member of the Local Legislative Council by the Landholders of the Nagpur and Chhattisgarh Divisions which will be held on 20-7-1917 between 11 a. m. and 3 p. m. of each District Head quarter. Before venturing to request you for your support of my candidature, I would request you to kindly peruse the several articles I published in the local Press from time to time. I am sure it will give you an idea as to the views which I hold on some of the most important questions of the day particularly the question of agrarian legislation in these Provinces, to the study of which, you know now from some of my writings and also the speech with which I supported the Land Resolution at the last session of the Indian National Congress, I have given special attention in recent years.

It is difficult to define exactly what qualifications are required of a candidate for election. But opinion is fairly agreed that besides the ability and the desire, a willingness to devote one's whole attention to the work, honorary yet onerous, is necessary. A candidate must also be willing to profit by the opinion of the constituents and above all he must have a spirit of moderation and a due sense of responsibility and readiness to undergo a reasonable amount of self-sacrifice, if a landholders' representative is to do full and adequate justice to the trust that will be reposed in him by the electors.

Should you honour me with your trust and confidence and enable me to go duly elected, I can assure you that I will do my best to rise equal to the occasion and use the opportunities honestly and fearlessly, with the sole view of promoting and safeguarding the interests of my constituents.

In offering myself as a candidate, now, I am solely guided by a strong and sincere desire to serve the country faithfully and honestly to reflect the opinion of my electors on all matters affecting their interests.

I trust you will give your favourable consideration to my request, and by not only giving your own vote for me but also assisting me with those of your brother voters, you will enable me to have the opportunity which I seek at your hands.

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# Autonomy and Progress.

( *Reprinted from the Sarvajanic Sabha Quarterly Journal, July 1917* ).

A stable and progressive society is unthinkable in the absence of a well-organised state. According to Aristotle the best type of polity is that which is managed by intellectual or national aristocracy. As next best he prefers democracy. But democratic State can endure only so long as it is supported by the reason and conscience of the collectivity in whose collective will Austin find the source of political sovereignty.

2. There are epochs in the history of humanity when the demoralising and disintegrating factors of a society, generally under the sway of the senses, would eat away the robust and manly virtues, tending gradually to pave the way for the passing of the popular sovereignty into the hands of a dictator. Under this circumstance, there are two alternatives left for it. Either it would regain its consciousness as a community and be invested with a tone and vigour sufficient enough to manage the State or it would in the long run be wiped out of existence under the weight of despotism which, in other words, means centralised or over-rule and centralised rule always tends to effminate and enfeeble the faculties of a community and unfits it to perform its functions in co-ordination with the State.

3. In the order of the universe ( which includes human societies) there is no place for despotism. Motion is either backwards or forwards. The former implies disintegration and decay, while the latter points towards progress. Evolution means forward motion in equilibrium. Despotism or force from without tends always to depress free movements from within and is opposed to evolution and it is not therefore the order of nature. That which is against nature can not last long.

### **Power preserves order.**

4. Historical evolution of humanity furnishes abundant illustrations in varification of this truth. Humanity from its very start satisfies its wants according to its own needs, that is with its indigenous efforts at every ascending step. One of its earliest attempt is to frame its own rules of conduct to keep up harmonious relations among its members and these rules lay the foundation of the law of civilised communities. Its next step is to provide for itself an obedience compelling power for the preservation of order and peace and it chooses its own strong and proper leader who is invested with the necessary powers and status thus kingship is evolved.

5. The seeds of all institutions: economic, legal, political, religious, aesthetic, &c. are all found in the cradles of humanity and they develop into the mighty tree of civilization giving forth their finest fruits for the benefit of man in their fullness of time.

6. A progressive community is that which is capable of making its changes from time to time in its varied institutions so as to keep pace with the spirit of the age and its progress would certainly be arrested when it fails to do so. Any imposition from without spells ruin to it. ( Hence, a case for Home Rule ).

7. Though the disintegrating forces have been at work for the past several centuries in the Hindu civilization yet it has survived the on-slaught of time. The reason is not far to see this ancient civilization unlike the modern one which is but the enlarged photograph of those of ancient Greece and Rome, has its source not merely on the reason and conscience of man who is very often misled from the path of truth by the influence of his senses, but on Sanathana Dharma, the eternal laws of God, discovered for us by disillusioned and holy Rishis whose activities are directed by the command of the Higher. All rules of conduct

founded as they are, on eternal laws are binding alike on prince and peasant. Man can only interpret, understand and follow them.

### **Hindu Jurisdiction.**

8. The Hindu jurisprudence and polity which prescribes rules for the guidance of the state and society demands from the Ruler highest reverence and unconditional homage. Gauging correctly which will be productive of immense mischief and harm especially in those who wield power and influence, sufficient safe-guards are provided against direct and undue interference of rulers in the avocations of the people. The merit of this polity consists chiefly in the complete divorce of law making power from the state. If any state, ancient or modern, can be called constitutional in the scientific sense of the term, this ancient Hindu State has all the essential characteristics of this type of polity though it differs in form its modern proto-type.

9. As Mohamedan conquerors contended themselves with merely being the tax gatherers, they left the management of the State under the Hindu administrators with the result that the old polity remained unchanged. All Mohámedan conquests practically amounted to this. A new sovereign of a different nationality was placed in the place of the Hindu King everything else remained the same. Except during the passing waves of fanaticism there was ample scope for the development of all arts of war and peace. That this polity is a standing monument of the genius of the ancient Hindus is evident from the fact that the administration was highly popular and decentralised. Village panchayats with full autonomy in matters concerning rural areas, caste guilds and numerous other voluntary organisations served as inseparable adjuncts to the State, in that they performed effectively and with the least expenditure of money, time and energy many a function which are being done at the present day by a large and costly army of over-worked officials, belonging to various departments Revenue, Police, Judicial, Forest, Sanitary, Education, agriculture,

medical, engineering and Excise &c., causing not a little delay and annoyance and cost to the people. That there was continued despotism in pre-British days is not at all a fact of history.

10. The establishment of British rule in India required a strong central power to restore order and peace but the highly complicated and top-heavy administration tended though unconsciously to determine communal life and the varied faculties essential for healthy existence, with the result that the people are gradually reduced to psychological atoms.

### **Benevolent Despotism.**

11. The present British Indian polity which is neither wholly British nor Indian bears the stamp of benevolent despotism as there is nothing to prevent the bureaucracy from following its course unchecked, heedless of public opinion. Human nature remaining what it is everywhere, it is found that the best among men could not be trusted to their own inclination and temperaments alone, in the matter of the management of any public institution, consequently constitutional checks by means of public opinion is considered an absolute necessity against the possible and probable abuse of offices of trust and responsibility. Man is after all human and is therefore not infallible. All constitutional states are based on this principle. Either in a republic or in a constitutional monarchy, the people govern through their officials, while they legislate and control the administration through their representatives. Only under this arrangement the best interest of a people can find full and effective expression in the acts of the State. This accounts for the marvellous and astounding progress in all branches of human activities in the west and especially in Japan in the short space of 40 years. It is with a view to make the Philipines to realise their life's ambitions mainly through their own indigenous efforts that the U. S. A. has granted autonomy to them in internal matters promising independence in a decade or so.

## The Congress.

12. The Indian National Congress was organised with a view to make the Government act in conformity with the public opinion in this country. Persistent refusal to its prayers has contributed in no small a measure to the re-awakening of India which has found loftiest expression in the utterances of the poet Laureate of Asia Dr. Tagore. The awakened India finds the sovereign remedy for her thousand and one ills in securing for herself a status and dignity equal to that of any other self-governing colony in the council of the British Empire.

13. It was expected that the new reform would enable the Indians to realise this ideal but the enthusiasm with which these reform measures were received cooled down as the authorities showed an illiberal and narrow spirit in the framing of rules and regulations to carry them out into practice. It is no wonder then that the Indian National Congress after wandering hither and thither has pinned its faith on Home Rule for India.

14. A State, whatever its form may be, ought to be the expression of the soul of a people committed to its charge, otherwise it is an unallayed despotism, and despotism as already pointed out is not only *antagonistic* to progress but under its crushing weight or over rule any community can not long endure.

## Home Rule.

15. In essence Home Rule simply means the conduct of a State in domestic matters in accordance with the wishes of the people. Civilised existence is an impossibility as long as the Government does not stand for the self-expression of the people.

16. While the Indian Government remains what it is, it is injurious to national interests to ask them to design measures and move in matters like land—reform, local self-government, education, co-operative movements, arts, and industries ; for the bureaucratic bent of mind always runs

counter to the people's aspirations and bureaucracy in its very nature is not expected to bestow that care and attention required for the healthy development of the institutions. Home Rule therefore is a necessity for existence much more therefore for progress.

17. The granting of Home Rule ought not to be considered as a consideration for any loyalty and sacrifice which India is making at this hour of crisis but it ought to be granted as a political necessity which is essential for the very preservation of the Empire and it is hoped that the British Government would follow the example of the U. S. A. which has granted Philipines autonomy in many matters. In the absence of Home Rule India's position within the Empire will be as humiliating as it will be disastrous to her interests.

18. The demand for complete autonomy, Home Rule or Self Government within the Empire comes from a united voice of India which has unmistakably expressed itself through the Congress and the Moslem League held in December last at Lucknow. The British people can not afford to pass over this demand lightly. It does not ask for anything in the moon and everything is within the range of practical politics and within the easy reach of the British people to grant. It has only to make the administrative act in conformity with the public opinion in domestic matters barring the foreign and military affairs of the State.

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# The C. P. Land Revenue Bill.

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( *Reprinted from the Sarvajanic Sabha Quarterly Journal, April 1917* ).

1. In the debate of the C. P. Legislative Council on the 15th and 16th January 1917 some of the official as well as the non-official members sought shelter under the correspondence published in the Gazette of India dated the 8th July 1916 on the recommendation of the Royal Commission upon Decentralization contained in para 252 of its report and passed the Bill into law in the teeth of public opposition. The Government of India's view of the agrarian problem as it confronts us on this side of India—which seeks to cast the whole blame on the ryot and to exonerate the Indian Land Revenue Administration from all responsibility in the matter is a view which a juster appreciation of facts would show to be at once incorrect, one sided, and unfair, and a scheme of ameliorative action founded upon it is not calculated to meet the necessities of the case. It has to be borne in mind that Land Revenue in British India is not a mere item in a financial account like salt or customs, opium or excise, but constitute an important branch of the General Administration, which is intimately bound up with the welfare and contentment of the masses of the population; and when it is administered as it is in this province under an avowedly empirical system which rests on an abstract basis and works on a priori theories, largely dissociating itself from practical consideration of concrete relations and conditions, it can be no matter for surprise if we find that in its practical working it leads to economic and social results the reverse of desirable. We see everywhere in this province that the land is more or less overassessed, and the State demand enforced with extreme rigour; and on an

unprejudiced consideration of the matter, it is impossible to resist the conviction that it is this double evil of over-assessment and over-stringency in collection that has brought the ryot in this Province to the verge of economic ruin, and made him more or less the helpless victim of the inclement seasons and predial serfs of the unrelenting sawkars. Painful evidences of agricultural decline meet the eye on every side, and as we contemplate Government of India's rosy-tinted picture of agricultural advance and prosperity, we can not help thinking that this province evidently lies outside the range of the Governments' perspective. To clear some of the misapprehensions and misconceptions I would make the following observations on the Government of India despatch.

We do not know to whom we owe the belated publication of the Despatches in the Gazette of India dated the 8th July 1916 in consequence of which the Government of India shelved the recommendation of the Royal Commission upon Decentralization to enact as a legislative measure the principles of land revenue settlement in India. But we are glad that this has been done, for we are now able to behold in all its nakedness the extraordinary theory of State landlordism by which the Government of India desire to push their claims to land revenue in India. The principles enunciated in the Despatch, and the historical and practical arguments used therein are very strange and surprising. We desire that our public leaders should lose no time in realising the need for combined action at the earliest possible moment to demonstrate the unsoundness of the theories and arguments and to ask for a definite modification of them if the economic condition of the Indian ryots is at all to improve from that of a tenant at will of the State land-lord, into that of a cultivator who has proprietary rights in the soil which the State should preserve and protect as a primary duty, and from which it should derive its revenue only according to its needs and not according to its supposed landlord right.

2. Apart from the questions why so important a document should have been withheld from the Indian public for so unconscionably long a period and what exact purpose is intended to be served by its sudden disclosure just now, it is extremely doubtful whether the long and laboured apologia of the Government of India for persisting in its present practice of assessing lands, will carry conviction with it. Indeed, the disappointment will be very keen that even so wide-awake liberal statesman as Lord Morley was persuaded by the Government of India, in view of the then experimental stage of the councils reform scheme, to postpone "*for the present*" taking action on the lines suggested by the Decentralisation Commission. It will be observed that Lord Morley did not traverse the various objections raised by Simla against the proposed change, but that he simply agreed to shelve the proposal "*for the present*". The bureaucratic clock generally moves slowly, but it must seem to the public that by shelving the despatch for six years, and then heaving it at the head of an astonished public the Government have moved the hands of the clock so many years ahead, making it appear that the arguments for postponing action "*for the present*" still hold good.

3. The principle on which the settlement of land revenue in British India is based, is that by the ancient custom of the country the State is entitled to a certain, but undefined share of the gross produce of all cultivated land. This is the sweeping doctrine on which the Government of India resist the demand that the principle of Land Revenue Settlement in India should be embodied in Provincial legislation.

#### **A "Certain but undefined" share.**

4. No wonder that they should do so if the principle is in the form in which they have now stated it, namely, that the State is entitled to a "certain but undefined" share of the "gross produce". One might leave logicians and grammarians to say exactly what a "certain, but undefined

share' may imply, but one may take leave to say that it is very natural that, where the share of the State is claimed to be "undefined", the Government of the State should be so unwilling to define that share by legislation in any 'certain' proportion. In fact, the Government of India claim that in agreeing to take that share out of the 'net' instead of the "gross" produce of lands cultivated by the raiyat and to lay down 50 % of that produce as a theoretical maximum claimable by the Government they have a great benefit on the raiyat at the outset ; and that by further relaxing the application of this theoretical half net rule by executive instructions, they have been able to benefit the cultivator of the soil in a way which a half-net legislative demand could not do, if enforced by the courts. The Government make a great point of the alleged fact that it does not appear from the record of the evidence taken by the Commission that the proposal to embody the general principles of assessment in provincial legislatures was recommended to them by any of the witnesses examined, or that they made any attempt to elicit opinion on the subject; but I wish to point out in this connection that the Government of India is in entire error in their contention that the Decentralisation Commission have given no reason for their recommendation and that it was not advocated by any witness who gave evidence.

### **The value of Executive Intentions.**

5. If we study paragraph 252 of the report which contains the recommendation in this behalf, it will be seen that it is one of a series of paragraphs dealing with the limitations which it is necessary to impose in respect of "enhancements of assessments at fresh settlements". This is the heading of the section, and the Commission after considering the various suggestion which had been made by witnesses, official and non-official, suggested as a very natural and obvious remedies, that such a limitation should be imposed by means of legislative enactment. No better demonstration of the value of this recommendation, we

think, could be produced than what has happened to the executive good intentions which are specifically referred to in the Report itself. We were told in paragraph 251 of that Report that "The Government of India have now under consideration the possibility of laying down definite rules limiting the amount of increase in assessment which may be imposed at any settlement, and we think that this would be entirely within their functions. The public have yet to know, after about six or seven years, what has happened to this proposal. If it has ended in nothing, no further proof is necessary to demonstrate the soundness of the recommendation of the Commission. Can it be denied that the tendency of recent settlement in this province has been more definitely in the direction of the theoretical half net maximum and less in the direction of any defined limit to the proportion of enhancement which ought to be made at each re-settlement ?

### **What is the ancient custom.**

6. But to deal first with this question of ancient customs of Rajabhog in the produce of the land, on which the Government of India desire to take so secure a stand ; if the principle that the State is entitled to take certain but undefined share of the gross produce of the land means anything at all, it means that the entire gross produce of the land is at the disposal of the Government of the country and that under the ancient custom of the country, it rests with the king or the governing authority to say what proportion he will take out of such gross produce, and to vary this proportion from time to time according either to his needs or his inclinations according either to his greed or to his generosity. It looks indeed, a most startling theory, and we very much wish that the Government of India had quoted chapter and verse for the same. On the other hand we are prepared to quote chapter and verse to show that earlier Sovereigns of India from the time of vedas to the days immediately preceding British dominions never asserted such fundamentally unsound doctrines in support of their

widest measures of exaction. We find that the Hindu Law-givers and Hindu philosophers have kept clear of the logical confusion which now obsesses the Government of India between rights of private property in the soil of the country and rights of dominion over the lands ruled by them.

### **The "Mimansa" on state ownership.**

7. Let us go to the earliest of these pronouncements that recorded in the Mimansa Sutas of Jaimini the philosopher who compiled his aphorisms in the period immediately following the composition of the Vedas, we will quote no less an authority on this matter than Sir H. T. Colebrooke, to show how definitely the most ancient Kings of India perceived the distinctions between a King owing private property in lands and a King possessing dominion over territories. Writes Colebrooke :—

" A question of considerable interest, as involving the important one concerning property in the soil in India is discussed in the sixth lecture. At certain sacrifices, such as that which is called Visvajit, the votary, for whose benefit the ceremony is performed, is enjoined to bestow all his property on the officiating priests. It is asked whether a paramount Sovereign shall give all the land, including pasture-ground, high-ways and the site of lakes and ponds ; and universal monarch, the whole earth ; and a subordinate prince, the entire province over which he rules ? To that question the answer is, the monarch has not property in the earth nor the subordinate prince in the land. By conquest kingly power is obtained, and property in house and field which belonged to the enemy. The maxim of the law, that the King is lord of all excepting Sacerdotal "wealth" concerns his authority for correction of the wicked and protection of the good. His kingly power is for Government of the realm and extirpation of wrong ; and for that purpose he receives taxes from husbandmen, and levies fines from offenders. But right of property is not thereby vested in him ; else he would have property in house and land appertaining to the subject abiding in his dominions.

The earth is not the King's but is common to all beings enjoying the fruit of their own labours. It belongs, says Jaimini, to all alike ; therefore, although a gift of a piece of ground to an individual does take place, the whole land can not be given by monarch, nor a province by a subordinate prince ; but house and field, acquired by purchase and similar means are liable to gift". Yajnavalkya has even gone further than these authorities. He says that the King has no particular property in unclaimed or uncultivated land. If a subject chooses, he may occupy it without leave, giving the Raja his due.

### **The shastras on State-ownership.**

8. Let us next go from the Sutra period to the Dharma Shastra period, to the days of Manu and the Law-givers, and what do we find ? We find them enunciating the propositions that the King has a right to claim and collect a share of the produce of income from every source of a subject—one-sixth, one-tenth, one-twelfth or one-thirty seconds, as the case may be, according to the nature of the income assessed. It was, in fact, a kind of scheduled incometax. There is nothing whatever to show that the right claimed by the Government over the proceeds of the land was anything more than the sovereign right to dominion of the land and to taxation of its produce when and as may be necessary. If we next go to the period which is to be typified by the Niti Shastras of Kautilya, Sukra and Kaumandaka, we find that they all have made a very clear distinction between the ownership of demesne land or Crown property and the possession of Sovereign rights over the soil possessed by the Raiyats and cultivators of the soil. The Artha Shastra has the following :—

“ The Collector-General shall attend to the (collection of revenue from) forts, country parts, forests.....

Produce from Crown lands, portion of produce payable to Government, religious taxes, taxes paid in money..... come under the head of country parts.....

Having divided the kingdom into districts and having also subdivided the villages as of first, middle, and last rank, he shall bring them under one or other of the following heads ; villages that are exempted from taxation ; those that supply soldiers ; those that pay their taxes, in the form of grains, cattle, gold or raw material..... " Yajnavalkya says, " Protecting his subjects with justice, he receives  $\frac{1}{6}$ th of their merit ". Apastamba says " the king shall make them collect the lawful taxes (Sulka). Gautama says that the cultivators must pay to the King a tax amounting to  $\frac{1}{10}$ th,  $\frac{1}{8}$ th, or  $\frac{1}{6}$ th of the produce. Baudhayana says, " Let the King protect the subject receiving the sixth part ". Narada says, " Both the other customary receipts of a King and what is called the sixth of the produce of the soil, form the royal revenue, the reward of a King for the protection of his subjects ; Vishnu says that the king must take from his subjects as taxes a sixth part of every year of the grain. Vasistha says that a King who rules in accordance with the sacred law may take the sixth part of the wealth of his subjects. It is said in Chapter 67, Shantiparva of Mahabharat that  $\frac{1}{50}$ th part of cattle and gold and  $\frac{1}{10}$ th part of the crop may be taken by the King. It is further said in chapter 69 of the same parva that a King who rules in accordance with the sacred laws may take  $\frac{1}{6}$ th part of the wealth of his subjects. The share of the King therefore under Hindu law in the produce of the land was distinctly limited to  $\frac{1}{6}$ ,  $\frac{1}{8}$ , or  $\frac{1}{12}$  according to the varieties of the soil, or of produce or the exigencies of the King. For the most part the share levied was  $\frac{1}{6}$  as it is apparent from the allusions made by the poet Kalidas in Raghuvansha and in Shakuntala to the King's  $\frac{1}{6}$ th share as the reward due to him for his labours. In the work of Parashara Madhaviya, the King's share was held to be  $\frac{1}{6}$  of the produce. This exposition of the law as it obtained under the Hindu rule is confirmed by all those European scholars who have studied the subject at first hand. Colonel Wilkes, Mr. Mount Stuart Elphinstone, Sir, G. Campbell, Professor Wilson, John Stuart Mill, all agree in this exposition of the law.



9. In 1822, the Court of Directors of the East India Company stated that the ruling power was entitled only to a certain share in the produce of the land. In introducing the Bill which became subsequently Act 1 of 1865, Mr. Inverarity, who was in charge of the Bill, stated that the acknowledged principle of an equitable land assessment was that Government was entitled to a certain share of the produce, the deduction of which leaves the cultivator a wide margin of profits after payment of all expenses. The question was again raised in 1856, when the Court of Directors formally laid down in their Despatch, dated the 17th December 1856, that the right of Government is not a rent, but a land revenue only which ought, if possible, to be so lightly assessed as to leave a surplus or rent to the Rayat whether he in fact lets the lands to others, or retains it for his own cultivation. This same principle was reaffirmed by Sir Charles Wood in 1862, 1864, 1865 and by Sir Stafford Northcote in 1867, when the Despatches were sent directing the redemption of land revenue, and the extension of the permanent settlement in all the old settled districts. Judicial decisions without number can be cited in support of the same view. The Judicial Committee of the Privy Council, in a case reported in 11 Moore's Indian Appeals, page 345, held that the relation of landlord and tenant did not exist between the Government and the owner of the lands which paid Jama or tribute. The holder's interests is an absolute ownership of the land, and the title of the Government rather resembles a seignory than that of a lessor with a reversion. Reviewing all these authorities, Westropp, the Chief Justice of the Bombay High Court held it to be proved in 12 B. H. C. R. App. (59) that as far as the Hindu Law is concerned, the proprietary right of the Sovereign derives no warrant from the ancient laws or the institutes of the Hindus, and is not recognised by modern Hindu lawyers as exclusive or incompatible with individual ownership. The same principle was recognised by Subramania Ayyar and Benson in *Venkatanarasimha vs. Dunda nuddi Katayya*, I. L. R. 20 Madras 299. The Mohamedan traditions are no doubt

of a more arbitrary character, but in this province, fortunately for the country, the British Government succeeded to the rule of Hindu Sovereigns, and Mohamedan precedents have therefore no application. In the Land Acquisition Acts of 1850, 1857, 1871 and 1894, the Government has unreservedly admitted the existence of these rights of private owners.

### **Confusion of Feudal and political Notions.**

10. It was because, during the days of unsettlement and turmoil in the country preceding British Rule, the produce of the soil was dealt with by adventurers, Maratha or Mohamedan according to their pleasure, and was later on collected and dealt with by the East India Company in a more business like and peaceable way, tending to the security of some property rights to the cultivator of the soil that the notion sprang up of treating the land of the country as the private property of the state or ruler and the cultivator, and of seeking to regulate the demand of the ruler by means of periodical, often yearly settlements between the cultivator and the Government which protected his means of subsistence. It was obvious to the earlier Anglo-Indian administrators of experience that the exercise of any extreme rights of state ownership by the Company who succeeded these adventurers, would have driven away cultivators, in other words, "would have killed the goose that laid the golden eggs", and the principle of moderation in assessment was readily accepted as fair and expedient under the circumstances. The authorities had then to look for some general principle in preexisting customs or methods for regulating their demand upon the land. As land revenue was the mainstay, indeed the only important source of revenue in those days for the East India Company, the question of treating it merely a tax to be imposed along with other taxes on other forms of wealth or income, never arose. With the confusion of private and public rights, of political overlordship of territory and feudal notions of landlord and tenant inherited by British administrators, to whom the system of farming the land revenue in India bore such a

spurious parallel, the idea of regarding the very large receipts of produce of the soil by the State as the exercise of a proprietary right became a very easy and natural process.

### **Stages in the theory of State-ownership.**

11. This theory has since been at the back of the average Anglo-Indian mind, but those among these administrators who had any real experience in the country and who had bestowed any thought on the actual situation of the cultivators of the soil, in those days, never had any difficulty in understanding that the cultivators of the soil actually possessed the rights of property in the land. Time was in the history of Land Revenue administration during the last hundred years, whatever theory of State landlordism might be enunciated by Government, the rights of the cultivator in the soil remained unquestioned, at any rate to a substantial share in its possession and enjoyment. We will now say that the dictum now laid down by the Government of India actually negatives the existence of such rights, but it seems clear that it potentially connodes power of the Government to deprive the raiyats of such rights by the exercise of the right to an "underfined" share of the gross produce. The long discussions which took place both in the India office and in the Headquarters of the Imperial and Provincial Governments in the middle of the last century, as to whether the land revenue in India is a tax or rent is apparently beyond the recollection of those who framed the Despatch of 1910, but it shows the stages by which the Government are proceeding step by step in the establishment of their rights of the State landlordism. Matters have become much worse since the time when the Secretary of State finally vetoed the proposals of a Permanent Settlement in India during Lord Ripon's time.

12. The stages in the evolution of the new theory were marked long ago by Sir Auckland Colvin who observed in the seventies: "With the changed aspect of the day, the aspect in which the assessment of land revenue is regarded has changed." "Increased security of fixed pro-

perty," has given way the "just rights of the State"; "freedom from the interference of the fiscal officers of the Government" is not thought of little account when compared with the sacrifice of any portion of that rental of the land to which the State is entitled." The question of a permanent settlement again arose with the series of famine of the seventies and was again shelved.

13. The Government of India cannot be unaware of the fact that for nearly half a century the assessment system of this country has been the target of attacks, not only at the hands of Indian publicists of standing, but also of several impartial Englishmen as well, including members of Government. Every session of the Indian National congress, since its start in the eighties, has exposed its fundamental unsoundness and injuriousness. Every Legislative Council has been the scene of heated discussions on the subject, and even so imperious Viceroy as Lord Curzon felt it necessary to enter the lists in a open controversy over it raised by the late Mr. R. C. Dutt. Mr. Dutt's arguments have remained unanswered to the present day. In their despatch the Government of India refer to Mr. Dutt's contentions but they are hardly able to meet them. On the other hand, the arguments of Government only strengthen Mr. Dutt's case. Mr. Dutt urged the necessity of a modification of the present system on two main grounds; first that there is no fixity in regard to the amount of assessment payable by the ryot and second, that there is no legal redress against over-assessment. The way by which Government brush aside these two charges is hardly convincing. As Mr. Dutt pointed the absence of fixity in the rate of assessment on the one side, engenders great uncertainty in the mind of the ryot regarding the fruit of his labours, and leads to excessive demands from the settlement officials, on the other. But the Government would appear to be of the opinion that the effect of fixing this standard by legislative enactment would inevitably be to make the methods of assessment more strict. Arguments of this nature can cut both ways, for, with or without a limit, the tendency of the over-zealous officer will

ever be towards over-assessment and it will be only a question of choosing the lesser evil. The average ryot, we are sure, will rather choose the prospect of submitting to official screwing-up with the assurance of reaching a limit of such pressure, than one of unlimited pressure from a settlement officer. However, all such tendency towards over-strictness can be effectively checked if safe-guards are provided, enabling the agrieved ryot to challenge the official estimates, of the yield of lands. This brings us to the objection of the Government to any legal safe-guards. We are told that Government would never surrender to the civil courts its jurisdiction over land-revenue assessments, and Government quote approvingly the following dictum of Sir Antony Macdonell laid down in December 1910 :—

“ The rule under which the Government takes only one half of the assets is a rule which Government has imposed on itself and it cannot allow any agency which it creates or maintains to judge between itself and the revenue taxpayer. It is on the Government that the responsibility must rest of determining how the rule should be applied in cases of a class or an individual. It would be an unfortunate day, for the country if the Government were to direct itself of this responsibility and place upon the civil courts the responsibility which it has hitherto exercised itself, and which it alone can exercise with due regard to the public interests and yet with the leniency which the circumstances of time or place may call for.”

14. The principle here enunciated is one of the most extraordinary character and reduces the position of the state in India to one of absolutism. You will thus see the excessive nervousness which the present generation of administrators was manifesting towards the jurisdiction of civil courts. But this jealousy or dread of civil courts does not seem to have been the characteristic of an earlier race of Anglo-Indian statesmen who laid the foundation of British rule in India, as the following extract taken from one of the earliest Bengal Regulations will show. The preamble to the Bengal Regulations II of 1793 runs thus :—

“ All questions between Government and land-holders respecting the assessment and collection of the public revenues, and disputed claims between the latter and their ryots, or other persons concerned in the collection of their rents, have hitherto been cognizable in the courts of Mal adalat or revenue courts. The collectors of the revenue preside in these courts as judges, and an appeal lies from their decisions to the Board of Revenue, and from the decrees of that Board, to the Governor-General in Council in the Department of Revenue. The proprietors can never consider the privileges which have been conferred upon them as secure, whilst the Revenue officers are vested with this judicial powers. Exclusive of the objections arising to these Courts from their irregular, summary, and often ex-parte proceedings, and from the Collectors being obliged to suspend the exercise of their judicial functions, whenever they interfere with their financial duties, it is obvious that if regulations for assessing and collecting the public revenue are infringed, the Revenue officers themselves must be the aggressors, and that individuals who have been wronged by them in one capacity can never hope to obtain redress from them in another. Their financial occupations equally disqualify them for administering the laws between the proprietors of land and their tenants. Other security therefore must be given to landed property, and to the rights attached to it, before the desired improvements in agriculture can be expected to be effected. Government must divest itself of the power of infringing, in its executive capacity, the rights and privileges, which, as exercising the legislative authority, it has conferred on land-holders. The Revenue officers must be deprived of their judicial powers. All financial claims of the public, when disputed under the Regulations, must be subjected to the cognizance of Courts of Judicature, superintended by judges, who, from their official situations and the nature of their trusts, shall not only be wholly uninterested in the result of their decisions, but bound to decide impartially between the public and the proprietors and land, and also between the latter and their tenants. The Collectors

of the revenue must not only be divested of the power of deciding upon their own acts, but rendered amenable for them to the Courts of Judicature." In 1793 Lord Cornwallis made a great improvement to the existing laws, which reflected the greatest credit on the Government of India by his Bengal regulation II. He enacted a law by section II of the said Regulation which reads as follows :—

"That from 1st May 1793, the Courts of Mal Adalat, or Revenue courts, shall be abolished ; and the trial of the suit. which were cognizable in these courts, as well as all judicial powers whatsoever heretofore vested in the Collectors of the Revenue, or in the Board of Revenue collectively, as a court of appeal, or in any member of that Board individually, shall be transferred to the Courts of Dewany Adalat." This enactment gave the ryot the right to sue the Government and its officials. This right was not touched by the East India Company because it was their intention that this land should be governed according to the ancient usages and laws of Hindustan. They all took their stand upon what was called an immemorial usage.

15. We have been told that the Government claim to assess land in this country is based on the principle of state-ownership of land under ancient Hindu monarchies. But as was pointed out by Sir N. G. Chandawarker at the Bombay Town Hall meeting on the 8th July 1916 last that the ryot, under the ancient laws could sue the ruler if the assessment was exorbitant. Sir N. G. Chandawarker traced the history of the question step by step and said that in the ancient Hindu rules it was clear from the law books, which were enforced as authorities even now, that there was a sharp distinction between the revenue and the judicial authorities, and the subjects had the right to sue the Government. The King was not to take more than a certain proportion of the produce—one-sixth part—and according to the Hindu law a ryot could sue the King in respect of a wrong done to him. When the Mohamedan rulers came that right was kept in tact. When the East India Company came into

power the power of the subject to sue the Government was again there. Hence, the objection of the Government to submit its decisions in matters of assessment to impartial tribunals cannot be sustained on ancient practice. Nor does the present practice in regard to the State's purchase of private land for public purposes, and such other compulsory transactions between the State and the private individual, lend support to the practice in assessment of land revenue. If the present civil courts of the land are untried to hear assessment claims, special tribunals might be constituted in each district or province to adjudicate between the State and the ryot. But the present practice in which the State poses as the plaintiff, the defendant and the judge as occasion suits, can not be upheld as just and equitable.

16. Needless to say that Lord Curzon's Land Revenue policy of 1902 necessarily hardened the settlement policy of the Provincial Governments. Neither the Reform proposals nor the recommendations of the Royal Commission upon Decentralization have had any effect in moderating the rigor of Revenue settlements since that time ; and as we now have the doctrine of State rights in land stated in such sweeping terms by the Government of India, it rests with us and our leaders to see whether the enunciation of such a doctrine to be put in force not under definite laws enacted by the Legislative Councils, but at the discretion of Revenue officers could be allowed or tolerated in the eventful times that will soon be upon us. I am therefore of opinion that the Government of India Despatch will be received with considerable disappointment in this country. It is one of the most unconvincing and bureaucratic documents which the Government have in recent years thought fit to publish, and from top to bottom it includes assertions which can hardly stand any scrutiny. In no civilized country are the people prepared to submit to taxation without the sanction of the legislature, and in India the bureaucracy has to justify not only the absence of such action, but the denial of any right in the taxed to question the fairness of the assessment be-



fore the law courts. Lord Morley considered the despatch at a time when he had grown sick of his work at the India office, and when he had more or less permitted himself to be fully governed by the men on the spot. In spite of all these considerations, the part played by the exradical Minister in this controversy requires to be noted. It shows how India office is not a guarantee against the acceptance of a policy based on most unstable grounds.

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# The Anglo-Indian Agitation I.



*(Reprinted from the Hitawada 27th October 1917.)*

As reported in the Nagpur and Berar Times dated the 13th instant, a meeting of a handful members of the Anglo-Indian Community was held on the 8th instant in Kamptee club under the presidency of Mr. H. D. Coggan, Manager of the Central Indian Mining Company Ltd. Kamptee, to protest against the grant of Self-Government to Indians and against the recent actions of the Government of India and the Secretary of State in insisting on the release of Mrs. Besant and others, and on the rescission of the orders of Provincial Governments prohibiting Mrs. Besant from entering the provinces under their Administration, the Central Provinces and Berar in particular. The language used by the President and some of the speakers was strong. But the complaint was not so much against the "*agitators*" as against the Government which, in the opinion of the president, has weakly yielded to agitation. Here is what Mr. H. D. Coggan says — "But when we find signs of the Government yielding to the impudent and lawless agitation of a small but noisy minority we feel that it is time that we were up and doing. It is true that we are comparatively a small community but we have a large stake in the country more, we have built our house, built it on what we believed was a foundation of rock and we do not now wish to find that it was sand." Those who spoke in this strain seemed to ignore the world-forces which have created such vast changes in Europe and Asia, and in the conditions of Indian life and society. "In the course of three years", said the Prime Minister of England, "we have run through the track of centuries." The world after the war will not be the same as the world was before the war. And is India alone

to remain unchanged, stationary and unprogressive? The rulers of India have recognised the altered conditions of the country and the new forces that have come into being; and in the spirit of true statesmanship, they have resolved to adopt the administration to the changed circumstances. They have yielded, not to agitation, but to the paramountcy of those world forces which are irresistible and omnipotent. Not to submit to them is to prepare the ground for future troubles, to repeat in India the blunders which have made the Irish problem so difficult of solution. The agitation itself to which, it is said, the Government has yielded, is the outcome of these new-born forces. The educated community have been carried away by these over-mastering forces. They saw the light pouring in upon them from all sides. They heard the trumpet call of reforms. Were they to remain irresponsible? England was fighting for freedom. Were they not to have the freedom for which their countrymen were shedding their blood? Let our Anglo-Indian friends answer the question. The reform proposals are not a weak concession to agitation, but the triumph of British statesmanship, keenly responsive to the march of progress and the clear note of popular opinion, and adjusting the Government to the altered conditions of the country. We recognise with pleasure the absence of that note of racial bitterness, which formed so lamentable a feature of the Ilbert Bill meetings held in 1883. In asking for self-government we demand self-government for all who have made India their home, be they Europeans, Eurasians or Indians, and the adequate self-guarding of the interests of all, irrespective of race or creed. The yearning for self-government is one of the noblest of human emotions. It has its roots in the impulse of justice and fairness to all. No partisan views or racial bias will be permitted to obscure our judgment or direct us from ascending to any arrangement which justice and fairness demand. Those Indians, who have had the good fortune of visiting England, of having lived there for years, and who have had ample opportunities of recognising the noble and generous instincts of that great nation, have not

been dismayed or taken back by the furious hostility of a handful of men who are unable to rise to an appreciation of their duties, and who only look upon this country as a sort of plunder ground, created for their special benefit. Depend upon it, these men and their unworthy sentiments will be repudiated by the bulk of their countrymen in England. Although this great fight will be fought in the House of Commons we shall not sleep over our rights. We should do all that lies in us to strengthen the hands of our numerous friends and well-wishers in England and in Parliament by refuting the calumnies and misrepresentations with which it is sought to darken the real issue of the case.

2. The nation is an influential organ of liberalism in England, whose enlightened views carry considerable weight. We are glad to find the Nation urging with strong emphasis that the British Government should take immediate steps for the reconstruction of the systems of Government in Ireland, Egypt and India. A forceful plea is put forth to build up their fabric of liberation truly and well. The Nation rightly observes that an Empire with a rigid colour basis is not yet free Empire. It would surely be a misnomer to call such an Empire free that sanctions invidious distinctions of colour. The Nation puts the case very neatly and effectively when it says that the objects for which the British have laid themselves out in this gigantic conflict, will remain obscured and defeated so long as the great problem of Indian self-government remains either untouched or weakly and half-heartedly attacked. I hope this wise and statesmanlike observation will be laid to heart by those Anglo-Indian merchants who do not yet look upon the question with sympathetic eyes.

3. The Anglo-Indian community of this province is not aware, it appears that a number of influential English journals are sympathetic towards Mr. Montague's policy. What is surprising is that even the weekly despatch, a journal of the Northcliffe press says:—"The pandits at Simla, who have no doubt, suitably framed the certificates of

efficiency awarded them in the Mesopotamia Report, are looking forward with some apprehension to Mr. Montague's visit to India, they believe that he has in as great a comb-out as is said to be perpending at the India office. Well they have had a long run. Mr. Montague's reform proposals have been well received every where, except by the Tory diehards, who would like India to be governed on the methods which lost us America." The wholly mischievous agitation which the Anglo-Indian Press and community are attempting to organise by arousing passion and prejudice, and by making vague assertions about imaginary dangers to British rule and authority in India, with a view to embarrass the Government in the execution of the new policy, and to discredit the courageous statesmen who have stood sponsors to it, has its genesis neither in patriotism nor imperialism but in narrow self-interest which makes them incapable of larger outlook. Even the Times of London says that so far as India is concerned the broad problem which confronts the people of this country is how best to transform an over-centralised system into a decentralised provincial system with a more substantial admixture of popular influence and control, but the Anglo-Indian community and Anglo-foreign press in this country remain unregenerate. I doubt not that a determined attempt will be made by the Anglo-Indian fraternity in India and England to mislead the British public and the Press, which are not at all intimate with, but are mostly ignorant of Indian conditions, and to frighten them by drawing up fanciful pictures of the dangers of confusion and anarchy if a popular system of Government is conceded and the British element in the administrative machinery is weakened. The cry of British interests at stake and British capital in danger has been raised, because it is likely to be the most catching cry. There is no inclination to consider the question of reforms in a dispassionate and calm spirit. But we are sure that such tactics will not prevail. The cause of Indian constitutional reform will triumph in spite of all the false issues raised. For, are not the Governments in England

and India on the side of political reform, and is not the liberal and progressive section of British press, as also the most important organ of the conservative press, the London Times, in favour of substantial concessions being made to Indians? Then behind India's cause is the support of the moral forces of the world, and if Indians are true to themselves there can be absolutely no doubt that their cause will come out victorious. The great thing necessary is that there should be a united front offered by the whole of India. Attempts are being made to make a breach. Anti-self-government manifestos are being issued and demonstrations are being held under the inspiration of interested parties. The forces of division are being stimulated, and communal demands are being engineered. All this is being done to present Mr. Montague with as formidable a problem as possible and to impress upon him that the course would be to disturb as little as possible the existing state of affairs. Thus the real danger, if there is any, is from within and not from without.

4. It should not be forgotten that a number of high class and influential papers are supporting the course of Indian Reform. It will be not altogether uninteresting to quote in reply to Mr. H. D. Coggan remarks what some of these have to say about the grant to the people of India of real political power in administering the affairs of their country. The Manchester Guardian made the following very forcible and just observations on the subject of Indian Reforms which the Anglo-foreign critics will do well to note and digest. It wrote :—"The trend of things in Asia from the Persian Gulf to the Yellow sea is towards the crystallisation of National sentiment, and India does not stand outside this stream of tendency. Nor, on the other hand, is it satisfactory to say that the silent millions want nothing better than British bureaucracy which guarantees the peasant his life and his daily bread, and that any dissatisfaction there is limited to the small educated class, which is quite unrepresentative though very vocal. In all countries, in the West as well as in the East, the politically active element is always

a minority. When that minority becomes sufficiently large, compact, and intelligent to compel attention it is futile to set it up against the silent millions. The silent millions tell neither for nor against the minority. Just as they tell neither for nor against the bureaucracy. The minority is a political fact of which statemanship must take account, and that such a minority now exists in India is to-day the most significant political fact in India.....What political India asks is that British democracy should assist it in obtaining the transfer from the bureaucracy to its hands of a considerable slice of power. No great knowledge of human nature is required to tell us that the bureaucracy is hardly likely to welcome such a demand, still less to take the initiative in satisfying it. When any plan of reform is proposed the bureaucracy is inclined to apply the wrong test. It asks and has a strong predisposition to answer in the negative, will it make for efficiency? But the political problem in India is not primarily to increase the efficiency of administration, but to give satisfaction to an opinion."

5. The Daily News wrote:—"The school of mistrust still sways opinion, despite the disaster that befell its sombre predictions of the effect of Lord Morley's reforms. But if the reactionaries of the right are to be disarmed, the idealists of the left must refrain from joining hands with them to thwart the party of systematic and constructive reform. But what is essential is that the development of reality of self-government shall consistently keep pace with the development of the capacity for self-government. At the present time there is a strong ground for the contention that the two processes have not kept pace, and the Indian claim for fuller control over Indian administration is too firmly based on justice to be gainsaid."

6. The Westminster Gazette wrote:—"We cannot at once do every thing proposed in the memorandum presented to the Viceroy by the elected members of his legislative Council. Some of these proposals raise difficult questions of responsibility between the executive and the Council,

which cannot be settled off-hand. But we can go a long way to meet the substance of these demands, and everything is to be gained by acting quickly and ungrudgingly. For let us be clear that India is united in this matter as never before. The Indian aristocracy and the ruling princes have for the first time joined hands with the Congressmen, and the demand for reform comes from Maharaja's as well as Bengali Babus. We are dealing here with highly-intelligent and civilised people, and we have much warning from the past that the millions of humble and uneducated peasants who form the great majority of the people of India will follow the lead of their natural leaders when they are united. We hope with Lord Islington that the opportunity will be seized to act boldly and wisely. The situation will not be met by appointing more Commissioners to investigate, and, in the mean time, maintaining a frigid reserve. On those lines we should run the risk of letting a Sin Fein movement grown up in India, and grow perhaps to proportion which would be extremely difficult to handle later".

7. In a later issue it made these further sensible remarks :—" What the Government has to realise is that no scheme which any Government can propose will be accepted with pious gratitude as a gift from the Gods by the India of to-day ; that all schemes will be the subject of keen controversy, and that none will have any chance of success unless it gives generously and straightforwardly what it proposes to give, and is not balanced and thwarted by reserves which take back with one hand what is given with other... The promise made must be honestly performed, and there must be no excuse for any one to say that our deeds do not correspond to our words, and that we are still finding reasons to procrastinate and withhold". What have the Jingo organs on the other had to say ? They have no solid arguments to urge against the Indian demand and have not consequently been able to say anything which can convince the British democracy. Some of the Anglo-Indians have indulged in the most personal attacks. The Star, referring to a British statesman, who showed liberal spirit towards



India wrote :—"We know that old fogey with his yellow face and his oriental liver. We have seen him at a window in Pal Mal. We have heard his snores. Peace to his cigar ashes. But the world moves". It will thus be seen that the cause of Indian reform intrinsically strong as it is, has got the warm support of an influential section of the British Press as well as those in charge of destinies of India. With such powerful supports, success must be regarded as sure, only we should see that our ranks are closed.

8. It is easy to understand why the Anglo-Indians have lost their peace of mind and appear determined to have no stone unturned to present a united front against the new policy of Government of India which aims at and has so signally succeeded in, creating a proper atmosphere for the success of Mr. Montague's visit to India. But the panic-stricken attitude taken up by such old and experienced Anglo-Indians and their journals make it clear that they are looking at recent developments in the policy of Government with coloured spectacles. It is nothing short of amusing to read an exhortation to the Government of India calling upon it to make up its mind to govern. All that the Government has done in releasing Mr. Beasant and thus co-operating with the political wisdom demanded and when this wise policy is loudly protested against by the Anglo-Indian community it means that the Anglo-Indian community will not co-operate with the Government in creating a calm atmosphere. The Pioneer calls upon the Government to summon up courage and do justice. To the Indians the Government have never seemed lacking in the former, and we have often experienced great difficulties in convincing the Anglo-Indians that the Government could have managed the affairs of India with clearer notions of justice to the Indian cause. In fact, India does not want anything else but it wants that courage should be summoned and justice done in the interests of all His Majesty's subjects and not in the interest of one of the races and communities that merely reside in this land for making money and go away. I would remind the Anglo-Indians of this Province what Sir John Phear had

said in 1883. He said:—"We have higher duty to India than to consult the prejudices of this kind of a few thousands of our own countrymen who are there to-day, but may be gone tomorrow. We have to govern that vast empire in the interest of the millions who constitute the indigenous population of the country". The Anglo-Indian community must move with the movements of the times and learn to accommodate itself to the rising aspirations of the children of the soil.

9. Were the people of British India allowed to enjoy the fruits of their own labour and resources, and were fair and impartial relations established between the British and Indian peoples and were self-government granted to India long ago, with India contented and prosperous. Britain could have defied half a dozen Germanys in this crisis. Indians would then have fought to the last man and to the last rupee for their share as patriots and not mercenaries. The rulers will have only to stamp their foot and millions will spring up to defend the British power and their own hearts and houses. I would reserve further criticism on this subject with your permission for another occasion.

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# The Anglo-Indian Agitation II.

( Reprinted from the *Hitavada*, 10th November 1917. )

Mr. Coggan further said : No reasonable man can object to the legitimate aspirations of a great people, and we know that it is the policy of Government to lead them to the goal of self-government. But what we do object to is that they should go too fast. The Anglo-Indians seem to have been strangely insensible to the fact that it takes rather a long time to effect a very marked or fundamental improvement in the national character of a people. But if it were admitted that over 150 years of British rule in India there has been no improvement in the national character of Indian people and if they should not go too fast, would not that imply a serious reflection, the greatest slur, the gravest reproach upon the character of British administration in India ? Has England fulfilled her mission in teaching us the great lesson of self-government ? And here the scene is completely changed. The curtain must now fall upon that spectacle of ineffable beauty which upto this time had rivetted our attention—the spectacle of a great country struggling to fulfil its sacred trust.

2. But those who urge that we are wholly unfit for self-government are driven to a position that is not possible to retain. We are unfit for self-government. But the Negroes of America are fit for self-government ; the Siamese are fit for self-government ; the Chinese are fit for self-government ; the Japanese are fit for self-government ; the Boers of South-Africa are fit for self-government , the Philipinos are fit for self-goverment. These semi-barbarous nations, who are governing themselves, are all fit for self-government, but not the subjects of His Imperial Majesty ; not the subjects of the Christian King of England ;

not the subjects of the most civilized nation in the world ; they are not fit for self-government after a century and half of British rule in this country ; I ask, how does this position redound to the credit of England ? If an Englishman were to tell me that Indians are not fit for self-government I would tell him that we have been under their tutelage, their guardianship, their care, for the period of over a century and half, very much in the same way as the child is under the protection of his father : and if after a century and half of British rule, we have not improved, we could not go too fast, if we are not fit for self-government, the Englishmen are to blame rather than our-selves, in the same way as the father is to blame for the faults of the child.

3. I may say that the battle of our rights and privileges had already begun, that bloodless battle in which truth decides the contest, that bloodless battle in which victors and vanquished have each reasons to congratulate themselves. And if we are Indians, if we are Aryans, if we are the heirs of ancient civilization, the victory will be ours. And it would be the proudest victory in his illustrious annals.

4. The Anglo-Indians, at least those of them who have slightest tincture of education and culture, know well, that we had a bright history of our own and a rich literature still unsurpassed and scarcely equalled when Europe was sunk in terrible barbarism and superstition. Englishmen are chivalrous and too great themselves not to have some respect for the fallen greatness of this country. I have no fears that Englishmen, even in India, although the heat of our climate may sometimes affect their brains, though they may have their occasional aberrations, will ever as a body permanently forget that they should never be other than generous. We demand our rights which have been solemnly enunciated in the gracious Proclamation of 1858 which we look upon as our Magna Charta.

5. Mr. Coggan said :—" The people must first prove their ability and capacity to control the destinies of their

own country not only in the matter of its internal affairs but in more important matter of its internal and external defence, and they will have to begin far lower down the ladder than the rung on which they claim to stand at present". It is a reasonable proposition that the sense of responsibility, required for the proper exercise of the political institutions of the West, can be acquired by orientals through practical training and experiment only. To admit this is not to express any agreement with those who usually oppose all attempts at reform on the plea that the people are not ready for it or the people must first prove their ability and capacity to control the destinies of their own country. "It is liberty alone", said Mr. Gladstone in words of profound wisdom, "which fits men for liberty. This proposition, like every other in politics, has its bounds, but it is far safer than the counter doctrine, wait till they are fit". The best training grounds of self-government are therefore the institutions of self-government and I should again quote the authority of Mr. Gladstone for it. "Free institutions alone qualify a people for self-government. If you deny the people free institutions, you take away from them the most useful academics for training in self-government". The Anglo-Indians who raise the question of our fitness really do not comprehend the right issue, and only cover the atmosphere with a fog in order to avoid the realities of life. Mr. Lionel Curtis who is the friend of Anglo-India very rightly observes in his "Problem of the Commonwealth":—"The exercise of responsibility tends to increase fitness for exercising it. As everyone finds in his own experience, it is in having to do things that a man learns how to do them and develops a sense of duty in regard to them. And that is why political power is and ought to be extended to whole classes of citizens, even when their knowledge and sense of responsibility is still imperfectly developed". Fit or not fit, let us have the right to look into our own affairs as best as we may. Let us have the right to govern ourselves, even if it be to muddle our affairs, for that

surely is much better than leaving things to be muddled by others. As Mr. Robertson puts it so clearly in his *Rationale of Autonomy* :—"Only by development out of unfitness, obviously, is fitness attainable". Our Anglo-Indian friends maintain that England has given India peace, having given this, she ought to rest on her laurels. England has certainly given peace, but as the present President of the United States said the other day "right is more precious than peace". India has this aspiration before her just now and will not remain content any further as a mere hewer of wood and drawer of water. Our Anglo-Indian friends must understand that self-government is the order of nature and the will of Divine Providence. Every nation must be the arbiter of its own destinies, such is the omnipotent fact inscribed by Nature with her own hands and in her own eternal Book.

6. I would tell Mr. Coggan that Mr. Montague is coming out to this country to gain first hand information of the real and legitimate wishes of the people from the educated classes of India who are the real and natural leaders of the masses. The fact is, and it stands to reason, that the thinking portion and the educated, whether in English or in their own learning, of all classes and creeds, in their common nationality as Indians, are the real and natural leaders of the people. Those Indians, specially, who have received a good English education, have the double advantage of knowing their own countrymen as well as understanding and appreciating the merits and demerits of British men and British rule. We speak out like men and proclaim that we are loyal to the back-bone; that we understand the benefits English rule has conferred upon us; that we thoroughly appreciate the education that has been given to us, the new light which has been poured upon us, turning us from darkness into light and teaching us the new lesson that kings are made for the people, not peoples for their Kings; and this new lesson we have learned amidst the darkness of Asiatic despotism only by the light of our English civilisation. But the question is, do the Government believe us? Do

they believe that we are really loyal to them; that we do truly appreciate and rely on British rule; that we veritably desire its permanent continuance, that our reason is satisfied and our sentimental feelings as well as our self-interest and self-respect gratified? I have the good fortune to be able to place before the public the testimony which cannot be questioned, from which you will see that some of the most distinguished of our rulers did believe that what we say is sincere; and that we do not want to subvert British rule; that our out-spoken utterances are as much for their good as for our good. They do believe, as Lord Ripon said, that what is good for India is good for England. I will give you first the testimony as regards the educated classes which was given in 1861 by Sir Bartle Frere. He possessed an intimate knowledge of the people of this country, and with regard to the educated portion of them, he gave this testimony. He said: "And now wherever I go I find the best exponents of the policy of the English Government, and the most able co-adjutors in adjusting that policy to the peculiarities of the natives of India, among the ranks of the educated natives". This much at least is testimony to our sincerity, and strongly corroborates our assertion that we, the educated classes have become the true interpreters and mediators between the masses of our countrymen and our rulers. I shall now place before the public the declaration of the Government of India itself, that they have confidence in the loyalty of the whole people, and do appreciate the sentiments of the educated classes in particular. I would quote their very words. They say in a despatch addressed to the Secretary of State dated 8th June 1880:—"But the people of India accept British rule without any need for appeal to arms, because we keep the peace and do justice, because we have done and are doing much material good to the country and the people, and because there is not inside or outside India any power that can adequately occupy our place". Then they distinctly understood and will understand now that we do believe the British power to be the only power that can

really keep the peace and advance our progress. This is the testimony as to the feelings of the whole people. But of the educated classes, this despatch says:—"To the minds of at least the educated among the people of India and the number is rapidly increasing any idea of the subversion of British power is abhorrent". Lord Dufferin, as Viceroy of India, has said in his Jubilee speech: "We are surrounded on all sides by native gentlemen of great attainments and intelligence, from whose hearty, loyal and honest co-operation we may hope to derive the greatest benefit". It would be the height of unwisdom, after themselves creating this great new force, which is, rapidly increasing as the best exponents and co-adjutors, as abhorring the subversion of the British power, and from whose hearty, loyal and honest co-operation the greatest benefit can arise, that the ruling authorities should drive this force into opposition instead of drawing it to their own side by taking it into confidence and thereby strengthening their own foundation. These authoritative declarations clearly and truly establish that the educated classes are the real and natural leaders of the masses and Mr. Montague would consult these men alone who are the exponents of public opinion.

7. It is the doctrine of "not yet" which is a great obstacle in our way. This is a weapon, offensive and defensive in the hands of reactionaries who want to retard the cause of progress. Not yet? When will it be? When will the stars be auspicious? who will be the priest and prophet? who will read the heaven and proclaim that India has now become fit for self-government? Is it to be a member of the Bureaucracy or a member of the Anglo-Indian community? We may wait till doomsday if our lot is dependent upon them. If education is to be a standard and, then, I will say that we are fit, better fit, having regard to the extension of education in our midst than the English people were in 1832 when the Reform laws were introduced and when England engaged full-pledged Parliamentary institution. After a century and half of British rule, we have been so demoralised and degraded that we are unfit to



manage our domestic affairs. Japan has done it in 30 years and if we are given self-government, we shall also do it in 30 years if not less because we have already had the benefit of western training for more than a century. We are better situated today than Italy or Japan was in 1860. What others have done we will do; the basis of our life, commercial, industrial, political and social, must be self-respect and mutual goodwill. We are told if self-government is established there would be an oligarchy. I say that an oligarchy of Indians is better than bureaucracy of foreigners. We are told that we are not the representatives of the labouring masses. We are the bones of their bones, and the flesh of their flesh. We are not their guardians and spokesmen but a foreign bureaucracy and Anglo-Indian community, who do not understand their language and their habits, live apart in isolation from them and treat them as helots and hate them as inferior race! The proposition has only to be stated in order that its absurdity may be seen. Look at the proceedings of the Congress. Year after year, we have been passing resolutions in whose interest have we been urging the abolition of salt tax?—Resolution on the taxable minimum of incometax—the separation of the Executive and the Judicial functions—the introduction of free and compulsory primary education? In whose interest Mr. Gandhi take his sojourn to Bihar and in whose interest was it that the officials barred him out first?

8. We understand our interests too well and we do not dream over to harbour in our hearts the traitor wish to see the foundations of the British Empire sapped by antipathies of race; and nothing could be more diametrically opposed to the intention of the noble statesman, Mr. Montague, whose truly liberal policy has earned the lasting gratitude of the people of this country, and which will be hereafter regarded as the brightest page in the history of British India. This is an attempt—a barefaced attempt—to father the sins of the opponents of the measure of reforms on its authors. The entire administration of Mr. Montague will be a noble and sustained effort, to carry on amid unparalleled difficulties

of which we now have a glimpse. I say the present administration is sustained effort to extinguish the last lingering sparks of race antagonism and to inaugurate the reign of constitutional freedom of justice and of equality. To cast such imputations upon such a statesman as Mr. Montague can only redound with treble force upon those who make these assertions. Nor, can it be said that we have stirred up this strife? It has not been of our seeking, nor have we done anything to provoke the ceaseless torrent of invective that has poured upon us. Already the better classes of Englishmen have begun to express their indignation that some of their compatriots cannot bear to contemplate the measure of justice towards the Indians without being roused into a state of ungovernable frenzy. What shall we say of the authors of this wanton and unprovoked strife now attempting to turn round, and to fasten the blame of their own conduct on the Government and on the Indians. To those who shed these crocodile tears, my answer is, "if your pretensions are so utterly hollow, if you will only consent to wear the marks of friendship and to bespatter us with your insulting patronage so long as we are content to grovel at your feet, then the sooner the mask is plucked off your faces. We prefer that you should stand revealed in your true colors, and that we should know whom we have to deal with. Then delude us no more with your shallow pretences, your Christian professions of brotherhood, and your philanthropic missions your soirees and At homes, and all other cheap devices to win an undeserved popularity. Above all, do not blame Mr. Montague's policy, which has only, like the Ithuriel's spear, compelled you to assume your proper forms". We confess that at first we took but a languid interest in Mr. Montague's policy, because we looked upon it as a first instalment of a large debt of justice still due to us. If our zeal has been kindled, if our interest has now become intense, it is not only because our feelings have been cut to the quick by unparalleled insults, but because a broader issue has been raised, namely, whether India is to be any longer governed on the principles laid down in the Proclamation of our

gracious Queen or whether that great Charter of our people is to be rescinded and torn up. It is because an attempt has been made, both here and in England, to shift the foundations of the Empire from the willing and loving allegiance of the Indians, and to recognise nothing but brute force in the government of 315 millions of His Majesty's subjects. That is an issue in which we are deeply and vitally interested. But I am not afraid that these unworthy counsels will prevail with the English nation or with a liberal House of Commons.

9. I am anxious that we should be fully alive to the responsibility which now rests upon every Indian. The time has now arrived when all those great qualities, of which I have spoken, will be severely tested. Our own conduct must show whether or not we really deserve to be admitted to our full and proper sphere in the administration of the country, which I rejoice to think is the settled policy of that large hearted statesman, Mr. Montague, whom God in infinite mercy has called to emancipate this ancient land. Our own conduct must furnish the best vindications of that policy and the most complete refutation of the predictions of our opponents. We must remember that we have opponents of various kinds. There are honorable antagonists whose fancied interests turn them against us, but who will never stoop to resort to the base weapons of calumny and vilification. Opponents of this kind we can all respect, however much we may regret that they are not far-sighted enough to see that after all there is no conflict of interests, and that in the advance of liberal ideas, in true progress, and, above all, in the impartial and equal administration of justice lies the best hope of the permanent stability of British rule in India.

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# The Anglo-Indian Clamour III.

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( *Reprinted from the Hitavadu, 24th November 1917.* )

Soon after the delivery of that highly provocative, undignified, unwarranted, irrelevant diatribe by the Satrop of the Punjab in the Imperial Legislative Council, the Calcutta European Association held a meeting and passed a resolution which clearly shows that Sir Michael O'Dwyer has only sounded a chord that was beating in unison with a host of others. They declared that the release of Mrs. Besant was a hauling down of colours by the Government before lawless agitators, halfbacked professional politicians and futile surrendering to agitation which made them gravely apprehensive. They pronounced the selection of the present time for considering far-reaching changes in the administration and Government of the Country as ill-advised on the part of His Majesty's Counsellors. The undesirable example of the Calcutta European Association has been imitated by the so-called European Community in this Province, Bombay, Madras and Karachi as could be seen from the News Papers. One is bewildered to hear such strong language from a class of persons whose main interest lies in Commerce and exploitation in this Country and not the actual machinery of Government. What justification have they to call us lawless agitators? What right have they to call our venerable leaders and patriots half-backed professional politicians? What business had they to declare the policy of reforms inaugurated by the Secretary of State and followed by the Government of India as a feeble surrender to agitation? What interests of theirs have so far been neglected or violated? It would seem indeed that the whole of the European population had joined up to form one united force to face the one common enemy, viz., the popular agitation of Indians. The Madras planters, the servants of C. P. Coal and manganese mine owners, the servants of Country liquor

manufacturers, the servants of the Bengal-Nagpur Railway Company and so many others who are not worth the name have sounded the same note and confirm our suspicions. They consider our activities as producing race-hatred. What answer can one give when a demand for Self-Government a demand expressed through the mouth-piece of popular constitutional agitation is declared to be productive of racial hatred. The interests of these planters, mine-owners, liquor manufacturers, Railway servants and others must indeed be very much opposed to the interests of the Indian people if an educating of the latter as to their rights and privileges means a denouncement of the former as their racial antagonists.

2. The Anglo-Indian meetings that have been held so far and lucubrations of their henchmen, which have found constant expression in the Anglo-Indian press, have at least succeeded in emphasising the hollowness of the Anglo-Indian demand for the co-operation of Indians. That the European "birds of passage," as most of India's commercial exploiters are very appropriately admitted to be, want anything but real co-operation of Indians is now self-evident to any one who has kept himself in close touch with the current of Anglo-Indian thought in recent times. There is ample evidence, on the contrary, to show that the medley of Continental tradesmen and commercial travellers, temporarily resident in this Country, are ready to pay a lip-service to their Indian fellow subjects and to welcome them not indeed as brothers but as a people who form an immense asset to the strength and stability of the Empire. It is difficult to see whether the interest of the Greek and the Latin races comes in for interference in the adjustment of the relations between the Indian and Englishman in India and it is marvellous to note how any European irrespective of his nationality has jumped to the rescue of the Englishman in the struggle for ascendancy over the Indian. After all, any continental European, whoever he may be a Frenchman, Belgian, Swiss, Greek or Italian, Armenian, or Jew, no less than the German and the Austrian before the War, finds

himself in the Land of the rupee on mere suffrance but not as of any inherent right, which vests in himself because of his European nationality. Under this circumstance, we had expected that our European brethren less the Englishman, the Irish and the Scotch, would better mind their own business of piling up money as speedily as they could and carefully avoid the thorny path of Indian politics, in which they have absolutely no concern whatsoever. We trust yet that more sober counsels will prevail with the medley of non-British Europeans and that they will realise this great truth before it is too late to withdraw with any sense of decency.

3. This digression apart, which has at any rate been called for by somewhat hasty interference of our European friends, we think it is high time that the British or rather Anglo-Indian community calmly reflected over their position in regard to the Indian situation. The speech of the commercial Magnate like Mr. H. D. Coggan and his fraternity place it beyond doubt that they are deeply concerned to maintain the British character of the Indian Government, because they have a large stake in the country more, they have built their houses, built on what they believed was a foundation of rock and they do not now wish to find that it was sand. As regards the amount of this stake, Mr. Jinnah relying on official statistics points out that it is only 400 millions, according to figures available two years ago. If the Government of any Country is to be determined by the caprices of its leaders then surely Argentina, far from being a republic, must be even more British in character and must be reduced to a dependency of Great Britain. Even so the case of the now self-governing Dominions should be because they are all largely indebted to Great Britain. And further the British capitalist should also begin to claim a large share in the Governments of Russia, France, Italy, Belgium, Chile, China, and Greece, because a large amount of British capital has been lent to them. According to the dictum laid down by the Anglo-Indian Community, we think it is high time that the United States of America should raise a hue and cry for maintaining the American

character in a preponderating degree in the administration of the British Empire and its Allies, because all of them are indebted to the States to the extent of billions of dollars. If the insane doctrine of the European Association were to be applied, the world would soon be reduced to a position of utter helplessness and any individual no less than a State would be at the tender mercy of any avaricious money-lender or exploiter. Any individual would become helpless in his own house, which would have in future to be governed by the money-lender who would try to maintain the character of his race in proportion to the amount of money he has advanced. To state the implications of this dangerous proposition is to dispose of it.

4. It is of interest to know that the present European trouble in India is not due to a sudden aberration of the Anglo-Indian Community. There have been such troubles in the history of this country before, in which the Anglo-Indian Community did not show themselves in an amicable light. Lord Canning was obliged to complain of it to Queen Victoria and Lord Lawrence wrote about it more in sorrow than in anger, to his friend, Sir Erskine Perry of the India Council. Even the East India Company was driven to complain of the attitude of the Anglo-Indians to the British Parliament. A passage from its closely-reasoned representation bearing the Roman hand of John Stuart Mill, will amply bear reproduction at the present moment. "Your petitioners have seen with the greatest pain the demonstrations of indiscriminate animosity towards the natives of India on the part of our countrymen in India and at home. They believe these sentiments to be fundamentally unjust. They know them to be fatal to the possibility of good Government in India. They feel that if such demonstrations shall continue and specially if weight is added to them by legislation under their supposed influence no amount of wisdom and forbearance on the part of the Government will avail to restore that confidence of the Governor in the intentions of their rulers without which it is vain even to attempt the improvement of the people." These lines, though referring to the

state of things in the past, are still instinct with interest and should furnish an object-lesson to the Anglo-Indian community, who have valiantly set themselves on the war-path. Anything approaching a show of hostility to the political advancement will be strongly resented by the people and a situation thus created, will redound to the lasting discredit of those who call vainly.

5. I would ask my Anglo-Indian friends to read carefully what the late Professor Wordsworth of Bombay wrote in one of those facetious letters he contributed in the columns of the Bombay Gazette during the exciting times of Ilbert Bill and ponder over it deeply. He said: "The outcry which was first raised in Calcutta, has been re-echoed from London with considerable vociferation by all the enemies of the present Administration. The echo has a thorough party ring, and may be taken for what it is worth as a distinctly party movement. I sincerely trust that the Indian Government will not take this clamour too much to heart. So far as I can judge, the opposition in India is not of a very formidable character, though it has succeeded in making a good deal of noise.....When public orators think it decent to proclaim that we hold India by right of conquest a statement which is very imperfectly true—and that we intend to govern it in accordance with our own views and interests, without any regard to the wishes or susceptibilities of the Indian people, they have no right to be surprised if they receive a reply which disturbs their self-complecency. When the principle of the permanent legal and political inferiority of the natives of India on their own soil is asserted in this noisy fashion, it is only to be expected that these should assert their first principles with emphasis....I cannot agree with those conservative doctrinaires who would put a stop to all constructive statesmanship with the plea that there is yet no discontent, no clamorous demand for this or that improvement. We have had a rather too ample experience of the results of that kind of wisdom in Ireland and elsewhere. The real test of statesmanship is surely in the capacity to foresee difficulties and emergencies, and to



divert or neutralise them by timely legislation. .... If ever there was a time for making cautious advances in the direction of a more complete equality between different races and classes of Her Majesty's subjects in India, the present is surely the time..... With the argument from ascendancy of the ruling race, from our magnificent superiority and all the rest of it I have, I must confess, not one jot or title of sympathy, and a considerable amount of intellectual contempt. I am not without a proper pride in my country, and the magnificent part which it has played in the drama of history, and I hope that it is not unpardonable eccentricity to think that her greatness may be more triumphantly exhibited by the moral ascendancy which springs from just administration and equal law, than by any other method. I also see that twice in her history she has suffered profound humiliation and embarrassments by insisting on maintaining an ascendancy over dependent nation which under altered conditions it was beyond her power to maintain, and which was really inconsistent with her own interests, and I have no desire to see the experience repeated in India.' How much is it to be wished that we had at the present time even one Anglo-Indian of the command in personality, intellectual gifts and clear foresight of the type of the late Professor Wordsworth to guide his community into the true paths of Indian politics than such brummagem leaders as are clamouring now against Indian reforms.

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# **The Anglo-Indian Agitation IV.**

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*(Reprinted from the Hitavada, dated 1st December 1917.)*

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We are very sorry that the European community should have needlessly raised a wild fury over the recognition by the Government of India of the elementary rights of British citizenship of the people of this country to some slight extent.

2. But though we are really sorry for it, we cannot deny that what they are doing has not come quite as a surprise upon us. It is the universal psychology of all selfishness. The recognition of the legitimate rights of Indian public opinion in the guidance of public policy in this country, hurts their specially favoured position as keepers of the official conscience, which they have hitherto occupied. It strikes at the excessive influence of the European community of India over the Government of the country.

3. For years and years past the only public opinion that has been openly recognised by the Indian Governments has been that of the Anglo-Indian community. The Chambers of Commerce have had a preponderating voice in the control of public policy among us. Not many years ago, Lord Curzon publicly declared that the Government of India was not exactly a unity, but really a duality. It was like the mythical mermaid, half-woman, half-fish, the womanhood being those foreigners who were engaged in the work of economic exploitation, and the fish-half being those foreign officials who were engaged in the work of administration. For, as his Lordship declared, administration and exploitation were parts of the same duty in the Government of India.

4. This combination of administration and exploitation has been entirely responsible for the fatal economic drain to which India has been subjected ever since the establishment of British rule in this country. It was this that helped to kill all our ancient arts and crafts and reduce all our old artizan classes to the position of agricultural labourers. It is this that has killed the old economic staying power of the people, and has made them so easily liable to starvation and death on the failure of the annual harvest owing to drought or other physiographical or physical causes.

5. This is how a people that used to and send out its merchandise to distant parts of the world, have been reduced to day to the position of helpless dependents upon foreign produce for both the necessities and business of life. As Horace Hayman Wilson wrote nearly a century ago, the arm of political injustice was employed to strangle a powerful industrial competitor, and if this had not been done, not even modern machineries and inventions could have raised the mills of Paisley and Manchester to the position which they hold to-day. This is the verdict of an impartial English historian; and not the indictment of any Indian political agitator.

6. But we do not wish to rake up these ancient quarrels. What has been done cannot be undone. Our duty is not to cry over past injustice, or quarrel over ancient wrongs, but to take things as they are to-day and make the best possible use of existing actualities for our own benefit and the good of the world at large. No political good can come out of these ugly recollections of ancient wrongs. We desire to bury the dead past.

7. But though we can ignore ancient wrongs, we can not ignore existing actualities. And the most prominent feature of the Indian Administration is the excessive and injurious influence that the Anglo-Indian traders exercise over the Government of this country. We fully recognise that they cannot be ignored by either the people or the

Government of India. They are an integral part just now of the composite Indian Nation. The Indian Nationalist has no desire to deny their importance even in our present body politic.

8. But at the same time, it must be recognised that the preponderating influence which the Anglo-Indian community at present exercise over the Government in India cannot be permitted to continue. A powerful Indian opinion is gradually coming to the front. Indian opinion cannot be as easily ignored to-day as it could be twenty or even ten years ago.

9. All enmities are due to lack of right discrimination. And all defects in right discrimination are due to excessive selfishness. Germany is in its own true and real nature, not less human than any of her enemies. They are all European. They are all human. They all profess Christianity. But Germany is more selfish than the other. She wants to grab everything, or almost every thing, herself, leaving little or nothing or very little for her neighbours. German militarism is out for the appropriation of the spoils of trade and war in the three continents. She desires to secure the overlordship of the modern world. And this excessive selfishness and greed is entirely responsible for this titanic conflict in Europe.

10. And the same selfishness and greed is at the root of the present Anglo-Indian unrest in this country. The Anglo-Indian has appropriated to himself almost all the larger sources of income in this country. He holds the highest offices in the Administration, and draws fabulous salaries from the public exchequer. He occupies the leadership of our trade and industry, and draws enormous profits through exploitation of our immense natural resources and our cheap labour. He gets the lion share of waggon supply from the Railway authorities, he gets the first preference in the grant of prospecting licenses and leases and he is leniently dealt with under the penal laws of the Indian Mines Act whereas it is otherwise in the case of Indian.

11. The children of the soil occupy, in every walk of life, a subordinate position. They do all the hardest works, and often times even supply both money and brains for the benefit of the superior administrators and traders and merchants; but get meagre pay and profits out of what they so materially help to keep and produce. This has been the history of British administration and British exploitation in India for the last 150 years and more. And this prolonged spoliation has inevitably made the Anglo-Indian excessively selfish and greedy. And this selfishness and greed are responsible for all the trouble they are creating at the present moment.

12. Thus in his excellent study of Imperialism Mr. Hobson says :—"As our free self-governing colonies have furnished hope, encouragement, and leading to the popular aspirations in Great Britain, not merely by practical success in the art of Self-government, but by the wafting of a spirit of freedom and equality, so our despotically ruled dependencies have ever served to damage the character of our people by feeding the habits of snobbish subservience, the admiration of wealth and rank, the corrupt survivals of the inequalities of feudalism...Cobden writing in 1860 of our Indian Empire, put this pithy question. Is it not just possible that we may become corrupted at home by the reaction of arbitrary political maxims in the East upon our domestic politics, just as Greece and Rome were demoralised by their contact with Asia? Not, merely is the reaction possible, it is inevitable. As the despotic portion of our Empire has grown in area, a larger number of men, trained in the temper and autocracy as soldiers and civil officials in our Crown Colonies, protectorates and Indian Empire, reinforced by number of merchants planters, engineers, and overseers, whose lives have been those of a superior caste living an artificial life removed from all the healthy restraints of ordinary European society, have returned to this country, bringing back the characters, sentiments and ideas imposed by this foreign environment". And yet is precisely these classes so powerfully indicated by Mr. Hobson that have

the colossal impudence to claim that they and not educated Indians are the real leaders of the masses of India. The claim is one which we can afford to laugh at for its very absurdity, but nevertheless it has been advanced in all seriousness by more than one spokesman like Mr. Coggan of the Anglo-Indian agitation. This, however, is by the way. What is important to note is that the Anglo-Indian in this country is a reactionary in process of evolution and this gives us some insight into the psychology of the Anglo-Indian Campaign. It has been argued that as the Anglo-Indians have no tangible vested interests their supposed opposition to reform is a figment of our imagination. I can point out a number of instances of vested interests, cases where the Anglo-Indian receives a preferential treatment as compared with an Indian but these can be most conveniently summed up in the phrase *ruling caste*. That is the great vested interest, compact of a number of greater and lesser special privileges which they enjoy as members of that caste. They must naturally be more than human if they are capable of such an act of self-abnegation as would be involved in the voluntary surrender of these privileges. Political Hara-kiri of this kind may be forced, may even be accepted with the resignation one accords to the inevitable, but it is too much to expect it to be welcome. But it is hardly necessary for us to prove the existence of vested interests in order to show that the Anglo-Indian Community, of that section of it which is at present so vocal is opposed to reform. No rules of logic are needed to demonstrate the existence of a lamp post when your head has butted into it. The attitude taken up by the Anglo-Indians in their great agitation amply bears out our assertion.

13 For years and years past the executive officials in India have been very largely dominated by Anglo-Indian opinion. It was inevitable under the peculiar circumstances of the country, which is governed by a close and exclusive hierarchy of foreigners. These foreign officials live in a Society of their own, composed of official and non-official Europeans resident in this country. They have no social

relations with the people of the land. They stand far away from all native influences, except those of their Indian domestics and sometimes of their Indian subordinates. They are only human, after all, and are therefore liable to be controlled by the community with whom they eat and drink and have their being. And this fact has made the government of this country not only government by a body of British civilians, but practically by the whole Anglo-Indian community.

14. And I put it to the leaders of thought in the Anglo-Indian community to seriously think and say if it would be wise to revive the troubles today when all our energies must be concentrated upon the work before us. That work falls into two groups.

15. One is to see the war to a successful issue, and the other to make arrangements for those after war reforms and reconstruction which are so essential for the consolidation of the Empire and the safe-guarding of the future peace and progress of it. The two are organically bound up with each other. We have arrived at a stage the prosecution of this war where-in it is necessary that the entire available man power of the Empire, as well as its brain power must be fully trained and equipped and prepared for the protection of Imperial interests.

16. But this cannot be done without creating full confidence in the various races and peoples that at present composed this great and composite Empire, in the Justice and righteousness of imperial policy and giving them full assurance that their old rights and liberties will be advanced and protected through the preservation and progress of the imperial position. Home Rule in Ireland has, thus, been absolutely necessary in the interests of this Imperial consolidation. Ireland can not be asked to contribute the fullest measure of its help in the prosecution of this war without the removal of the brand of political dependency from her brow. British statesmanship has fully recognised this, and

it has therefore, resolved to settle the Irish trouble in the midst of the serious Pre-occupations of the great war.

17. And recent events in India seem to indicate that British statesmanship has commenced to recognise the same need of at least partially settling the Indian unrest also, even before the war is over, for the same reasons that have led to the present Irish policy. It is foolish to expect that whole-hearted sympathy and co-operation from a sullen and discontented people as may be had from a free and contented people.

18. It cannot be denied that there is a deep and widespread discontent in this country. It would be suicidal to fancy that this unrest is the creation of the handful of educated malcontents. These latter may have given voice to their discontent; but the discontent in the masses is far more dangerous because it is voiceless. It is utter nonsense to say that the British bureaucrat or trader is in more confidential relations with the dumb millions of the country than their own educated fellow countrymen. It is preposterous to think that the masses have greater love and affection for people whose language they do not understand whose ways they do not appreciate, who worship a God unknown to them whose customs jar at every point upon their social and moral sense, than they have for people of their own flesh and blood.

19. It would be suicidal folly on the part of our Anglo-Indian friends to fancy that they do and can over-carry the masses of this country with them and against the classes.

20. And once this fatal fancy is killed, it will be seen that the highest interest of the Empire demand that there should be much greater recognition of the Indian opinion by the Government than before. The authorities in London and Simla seem to have fully recognised this. And those who are seeking to call up a white revolt over this recognition are pursuing a policy which is fatal to their own particularistic interests as to the larger interests of that Empire by which they seem so ready to constantly swear.



21. If only our Anglo-Indian friends could take a reasonable view of their position in India and could recognise the truth of the universal law that defeats all selfishness with its own weapons and make peace with the inevitable, they would find that there is ample room in this country both for them as well as for us. They cannot wipe out the Indians nor can they keep in perpetual economics and political bondage. Why then fight with fate and cause, needless trouble and irritation where a reasonable settlement is possible ?

22. I sound this note of warning. Let them remember that the days of Ilbert Bill agitation had gone by and that what succeeded then has not the ghost of a chance of success to-day. By this impotent rage they will simply rouse bad blood and store up troubles for themselves and needless complications for the Government. We are anxious out of regard for the larger interests of the Empire to work in harmony with them. But if they have something different, they will have it. But before God and man the responsibility will be theirs and not ours.

23. Although the Viceroy's appeal for the preparation of calm atmosphere in view of Mr. Montague's approaching visit was ostensibly addressed to Indian leaders, it was certainly intended for all Indian as well as non-Indian. So far as Indians are concerned, honest and earnest efforts are being made to remove all causes of irritation in the hope and faith that Mr. Montague will apply himself seriously to meet the demands of India for a first substantial instalment of administrative reforms leading to self-Government or responsible Government to use Mr. Montague's own phrase. It was the Secretary of State's announcement and the Viceroy's speech following it that helped to clear the air and the out-look appeared everywhere more hopeful.

24. It was not expected that the political atmosphere in India could be disturbed by an extremist section of the Anglo-Indian community at the present time. The Indian agitation for reforms has been criticised as being un-

timely because the pre-occupation of the war monopolises all thoughts and energies, but the Anglo-Indian agitation that has now been set up is evidently not open to this criticism, although the pre-occupations of the war were never so anxious or intense as at the present moment. Agitations by the Anglo-Indian community in India are neither common nor frequent, and really that community has no reason to agitate. Anglo-Indians have no permanent interests in India. We have the non-official community in view. It may agitate when its own interests are threatened, but that does not frequently happen, as the interests of this community are generally safe. The one interest that the members of this community have in India is to earn a competence or a fortune before they shake the dust of the country from their feet. Besides that they know nothing, think nothing, understand nothing of what is going on in the country or the marvellous growth of national consciousness in India. They think India and Indians are where they were in 1883 when the agitation against the Ilbert Bill resulted in the concordant. On that occasion the objective of the agitation was the Viceroy of India ; this time it is the Secretary of State for India. Rank insubordination and open rebellion against the highest authority pass for agitation when the Anglo-Indian community is concerned. There was no approbrious epithet that the Anglo-Indian Press did not apply to Lord Ripon ; Mr. Montague is being abused with the same unmeasured violence.

25. There is no agitation against the demands of educated India. If it is a hallow agitation that will die out in a few weeks, no notice need be taken of it. But if an organised attempt is made to resist Indian demand then it will be a very serious matter indeed. The present temper of the country is perfectly well-known. When all the efforts of the bureaucracy could not succeed in coercing educated India, will Anglo-Indian agitation succeed in baffling its demands? If the unwise attitude of a section of Anglo-Indians is persisted in, the atmosphere instead of becoming

calm will become thoroughly perturbed. If this happens to be the case, on whom will rest the responsibility for introducing the note of discord? I doubt whether the Viceroy will make another appeal and whether even if it were made, it would be successful.

26. The Anglo-Indians must remember that in the words of Mr. Lloyd George, "the wishes, the destinies and the interests of the people themselves must be the dominant factor in settling their future Government". Such being the case, we Indians, do not understand, what interest these Europeans have who are only to make money here. The European community fancy, it appears, that the Occidentals are the only people who are fit for self-government. I would remind them what the Right Hon'ble Mr. J. H. Robertson said: "Put aside the instinctive hypothesis that faculty for self-government is a matter of race". In the words of Mr. Bernard Shaw "If India is incapable of self-government, all nations are incapable of it, for the evidence of History is the same everywhere". Mr. Massingham is reported to have said "we could get our rulers to understand that the Empire was a developing proposition, and not a thing to stand still, we could look forward to seeing the greater future not only for India but for the Empire at large". Will the Anglo-Indian community now begin to study India as a developing proposition, for, it might do them a world of good in the future? What a pity that they should have no altered vision for India.

27. The Russian revolution is not without its detractors even in England. They follow methods exactly similar to those which the Anglo-Indian press has accustomed to us here; the Morning Post being one of the most notorious in this respect, every little difficulty and disturbance is exaggerated into indications of the failure of the whole movement and as corroborative testimony of its futility. Upholders and sympathisers of the new regime are taunted and ridiculed and held up to scorn in various ways, as people who are worthless and bound to bring about disasters.

This is a characteristic of a certain type of Briton who connects foreigners with unfitness for democracy by a method of reasoning which was described to us as Bull's head logic. To such croakers Mr. H. G. Wells, the famous author and political philosopher, says the following. "The recent Russian victory has been a victory for liberalism in the West. If Russia makes good, if Russia preserves her unity and her resolution in the face of Germany and Kaiserism, all these taunts will recoil upon the heads of those who make them. If the revolution fails, we in Britain fail. We shall come out of this war with our freedom impaired and our hopes broken. Russia is the battle-ground of freedom for all the world today and all the world knows it. The battles we fight in the western front are just the give and take of this gigantic war, but a great victory of the new-born Russian Republic will be a battle decisive for the whole future of mankind". This is exactly what we say of India and the movement for self-government here. If all our efforts should fail which God forbid:—Britain's vaunted mission of Liberty also fails; and the failure will be the greater and more disastrous since India is a country within her own Empire.

28. The Mesopotamian muddle has convinced the British public that the Bureaucracy in India is inefficient and out-of-date. If it managed its external affairs, in the way that they have been managed in Mesopotamia, how about its control and direction of our internal affairs? This view must occur to every unprejudiced Englishman; that indeed is the view of a responsible member of the Mesopotamian Commission. This is what Commander Wedgwood says in his note of dissent. "My last recommendation is that we should no longer deny to Indians the full privileges of citizenship, but should allow them a large share in the government of their own country and in the control of that Bureaucracy which in this war, uncontrolled by public opinion, has failed to rise to British standards. Lord Kitchner said that it would be better to lose India

than to lose the war. It would certainly be better to lose India than to lose that for which we are fighting the war—the glorious traditions of a people old in liberty”. The ground of this recommendation is therefore, the inefficiency of the Bureaucracy ; and its inefficiency is due to the absence of popular control. That is indeed the Indian view again and again put forward. Irresponsible power is demoralising to those who wield it.

29. Here is what Sir William Hunter said to the same effect more than three decades ago. He said: “ The organic unity of a state cannot be established until subjects are treated not as inferiors but as equals ; surely no federal Empire can stand upon a sound basis whilst one of its chief members, a great country inhabited by three hundred millions of human beings, is relegated to an unworthy and humiliating position. I cannot believe that a people numbering one sixth of the whole inhabitants of the globe, and whose aspirations have been nourished from their earliest youth on the strong food of English liberty, can be permanently denied a voice in the government of their country. I do not believe that races.....into whom we have instilled the maxim of no taxation without representation as a fundamental right of people, can be permanently excluded from a share in the management of their finances”. The statesman quoted the high authority of the Bishop of Bombay in support of its anti-Indian views against Self-government. But I would quote another ecclesiastical authority of Bishop of Madras who spoke in deserving terms. He said: “ The danger of the present situation consists largely in the fact that, with notable exceptions Englishmen in India are not only opposed to the feelings and sentiments of educated Indians, but also to the inevitable tendency of their work and policy. We need to realise that we can not base the Government of India upon any other foundation than that of the will of the Indian peoples, that we are here as servants of the Indian people, and not as their masters, that a foreign bureaucracy can only be regarded as a temporary form of Government, and that our

ultimate end and object must be to enable India to become a self-governing part of the British Empire, and to develop her own civilization upon her own lines". The above passage should be printed in golden letters. They are the out-come of noble hearts which are truly Christian. Compare the utterances of Bishop of Madras with those of the Bishop of Bombay. His motto is, "first deserve and then desire self-government". In other words, first learn to swim on land and then enter water. We need hardly add in the words of Mr. Gladstone that the best training grounds for self-government are the institutions of self government. It is by inaugurating these institutions that the Government will have taken a real forward step towards granting self-government to the people. Let the utterance of the good Bishop of Madras be translated into all vernaculars of India and widely distributed. Let it be daily repeated by every one morning and evening and self-government will go on spreading rapidly from house to house and man to man. Indeed the noble bishop has done an incalculable service to the cause of self-government in India by his utterance and we cannot be too grateful to him for the same.

30. We hope and trust that the Anglo-Indian community will read and digest the above passages and adopt a true Christian attitude and stop their unnecessary fury towards the rising aspirations of Indians. We are taunted several times with being a conquered race. But if we have been conquered, we have at any rate the satisfaction that our conquerors were the free-born sons of England, and not men of mixed race who only came into existence after the British conquest, and whose exact nationality it would be difficult to determine. If all these old sores are to be reopened; if the friendly feelings which have so long subsisted between the two nations, and which for so many years have been fostered and cultivated by a succession of wise and generous statesmen, are to be rudely disturbed; if we are to be thus taunted and insulted, let it at least be done by genuine Englishmen, if they are disposed so far to abuse their privileges as conquerors, but not by Eurasians

masquerading in the borrowed mantle of Macaulay. We would not permit any pseudo-Englishman, any Brummagem Britisher, who is neither fish nor flesh nor good red herring, who is disowned by both England and India alike,—we will not permit such a man to slander our nation and insult our country. If such persons dare to hold the language of contumacy and insult towards us, we shall make an example of them. We shall not disgrace our cause by doing anything unlawful or improper, but we shall only give them, free of charge, the immortality by means of a status, but it shall be the immortality of infancy our plat-forms shall ring with demonstrations; our news-papers shall keep alive the memory of the out-rage; and our poets shall sing their infamy until his name shall become a bye-word and a hissing reproach to after ages and to generations yet unborn. It has been said by the Anglo-Indians that we, educated Indians, have no locus stand in the discussion of the reform question, but if we are out of Court, what locus stand have homeless Armenians, wandering Jews, and mixed races who have neither country nor nationality? I need not tell you that Armenia, France Belgium, Italy and Greece are not English countries, that they can no more claim to be European British subjects than you or I can. Nor are the Eurasians much better off. Then, why should these foolish Asiatics swell the ranks of this furious and artificial agitation forgetting that this privilege is not theirs. Why should these outer barbarians cry “Romanus civis sum”? Why should Helots, who have no privileges whatever shout with the Spartans?

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## The Anglo-Indian Agitation V.

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It is absurd to deny that the inspiration for the Anglo-Indian Agitation came from the officials. Who was it that threw the first stone in this controversy? We have no desire to rake up old memories and kindle anew the embers of a dying controversy when peace should be the watchword of the hour. But we are bound to state facts, however unpleasant they may be, in the interest of truth and a proper comprehension of the situation. It was His Excellency the Viceroy who talked of "catastrophic changes" with reference to our programme of reform. It was Lord Pentland who used language with regard to our aspirations which was insulting to the self-respect of the educated community. Sir Michael O'Dwyer went still further and classed us with the party of revolution. Sir Benjamin Robertson and Lord Ronaldshay spoke to the same effect in their public utterances. Upon the heels of these official utterances follows the agitation of the Anglo-Indian community. They had never spoken before as an organised community, though undoubtedly every now and then a wail of uneasiness went forth from the columns of the Anglo-Indian Press over the patriotic activities of educated India. In view of these facts, the dictum of Anglo-Indians will not serve to pervert the truth that the Anglo-Indian community have taken their inspiration from official sources. The officials were the first to raise the note of alarm. The non-official European community have now re-echoed the cry. Indeed, history has a knack of repeating itself. It must be so, for human nature under similar environments follows the old ways and repeats the old habits. The object of the Anglo-Indian agitation is to maintain the British character of the administration. We take our stand upon the position defined by them, and challenge them upon their own ground. We are as anxious as they could be, to maintain



and not only to maintain, but to widen and consolidate the British character of the administration. The perpetuation of bureaucratic rule is un-British and foreign to the genius and traditions of any administration, calling itself British.

2. If it is supposed that the Indian public is going to be lulled into quiet by such unbecoming and unfriendly demonstrations, a greater mistake cannot be made. Indians have now learnt to realise the true value of flap-doodle of this nature and they will not certainly be intimidated to revise their demands for self-government, which has now been declared by His Majesty's Government and most loyally accepted by the Government of India as the one aim of the British policy. As to the effect on government, it is possible that if Indians place a seal on their lips now, it will capitulate before the game of bluff to which the European Association has resorted. I sincerely hope and wish that the Englishmen had come to stay here and live here, and to bring up their children as the Indian people brought up their children, and made India their home. But what I object to, was when the object of the Englishmen was to exploit India, as India was exploited for the last 300 years. We saw that the Englishmen did not come here to share our joys and sorrows, they did not see their difficulties, they did not see eye to eye with them, but they were always criticising them (Indians). If Englishman lived as they ought to live, if they made their home in India, if they lived according to the principles of their own religion attended their churches, brought up their children in the light of their religion and had the same kind of charity, forgiveness and meekness of Jesus Christ, rather than the overweening dride of superciliousness and racial pride, we would be very happy if they were to stay in India.

3. The Anglo-Indian speeches could have been easily put in more subdued and temperate language. But passion was high and words were not weighed before they were uttered. Politics is new past-time with the British commercial community in this country. They have to drink

deep before they learn the virtues of sobriety and moderation. The venomous attacks on the Indian politicians and the Government of India do them no harm, but they injure the reputation of those who indulge in them and also prejudicially affect the cause they seek to support. Speaking on behalf of the Indian politicians I may say that it is no new thing to pour ridicule on their devoted heads or apply to them approbrious epithets. It is, indeed, strange that the sight of a band of Indians educated in the English language, inspired by English literature, imbued with the English spirit of freedom and stimulated by English example, striving and struggling to liberalise and broaden the basis of a narrow and highly centralised bureaucracy, receives no encouragement or sympathy from the British residents in this country. That speaks very little of the true British spirit of that community. I would commend for their enlightenment the generous testimony of an English Conservative, who was for some time the Chief Justice of Bengal. Said Sir Richard Garth, an honoured name in the judicial history of Bengal, in answer to an attack upon educated India and their right to represent the masses :—" I will tell you what they have dared to think for themselves ; and not only for themselves but for millions of poor ignorant people who compose of our Indian Empire. They have been content to sacrifice their own interests and to brave the displeasure of Government in order to lend a helping hand to those poor people. They have had the courage and the patriotism to denounce abuses which have disgraced our Indian rule for years past ; which have been condemned by public opinion in India and in England, and to which the Indian Government appear to cling with a tenacity which seems utterly inexplicable. They have dared to propose reforms which, despite the resistance of the Government, have been approved by Parliament, and to endeavour to stay that fearful amount of extravagance which has been going on in India for years past, and has been the means, as some of our best and wisest Councillors consider of bringing our Eastern Empire to the verge of bankruptcy ".

4. Now it is for the Anglo-Indian community to consider whether it will not be wiser to attack the acknowledged evils of Government than to attack those who with admirable singleness of purpose have been fighting those evils, through good report and though evil report, for a number of years, and whose work now seems at last to be about to be crowned with some measure of success. Is this the time to throw in the weight of their authority against the cause of progress? The commercial community say that they do not want to be obstructionists but only desire to have sufficient safe-guards for their own interests. Let them discard the mantle of opposition, let them have trust and confidence in the leaders of the people then they find that they have no need of resorting to artificial means of protection. An emancipated India will mean a stronger and richer India and the trade with Great Britain will increase tenfold. A short sighted policy is often a suicidal policy. Did not a master mind in British politics declare "a little mind and a great Empire go ill together :—The Anglo-Indians will ponder over this saying and try to realise its truth and significance. They will also try to realise the nature of the world-forces that are now endeavouring to stamp out of this world autocracy and militarism and will refashion the history of most countries on a democratic basis on the advent of peace. On which side of the scale are the Anglo-Indians going to throw in their forces? These are some of the questions that we should like to ask of the British community in India. If they can expand their range of vision and look beyond their untrenched position and vested interests, we are confident that they will give up their hostile attitude towards Indian aspirations and will work hand in hand with the so-called Indian agitators for the emancipation of the people of the land whose salt they have eaten. That is the only course consistent with the best British instincts, the noblest British traditions and the highest British honour.

5. The more carefully one goes through the speeches the more is one at a loss to make out the exact point at issue

between the British merchantile interest and that of the exact point at issue between the British merchantile interest and that of the children of the soil. The burden of the speeches is that whatever the policy of the Government of India may be, Europeans, whether they may be British subjects or not, by their colour claim the opportunity of considering how any proposed changes will affect their interests and to be heard in defence of those interests. No one is so blind as not to realise the importance of those interests or so unreasonable as to hold that they ought not to be given a fair hearing at the time when the new measures of reform come to be considered by the Secretary of State for India. Indeed, His Excellency the Viceroy has since assured the non-official members who represent European commercial interests in his Council that these important interests will of course, be considered. His Excellency then went on to observe that every one, Indian and European alike recognise the historic position of the British community in India and the debt which India owes to its enterprise and its energy. And no scheme of reform which was sound, could be based on injustice to the British or to any other community. No one would for a moment dispute the truth of this view. We hope, therefore, that the appeal for the co-operation of all classes of the community made by the Viceroy will find a responsive echo in our heart.

6. The educated community of India believes that a new era will shortly open for them. They confidently expect that a radical reform in the method of administration will take place in the near future and that the Indians will be called upon to take their legitimate place in the administration of the country. He only asks for the fulfilment of these political aspirations, which have been kindled in him by the literature of the West. Now, what is true in all this to frighten the British community, who are by instinct and tradition, the friends of freedom? How does it threaten the vested interests of the merchantile classes? Large British capital is invested in China and Chile. There is hardly a single country in the world where British interests

are not involved. But they do not need to be protected by British occupation of those territories, or by Englishmen having voice in their Government. The sanctity of foreign interests is religiously observed in all these countries. What is there to anticipate that in India alone that sacred right will be wantonly or flagrantly violated? How can one imagine that the grant of self-government to India will at once be followed by the spoliation of British capital? Such a proposition has only to be stated to be emphatically repudiated. Why should then, the European community fight with phantoms of figments of their own imagination? What is the good of raising scares and being frightened of bogeys? There is no need of jumping before one comes to the style. It does not speak well of the practical character of the British merchantile community of which they are so justly proud. As there is not the remotest chance of even the shadow of such a contingency arising in the future, we may hope for the co-operation of the British community in the great task of national regeneration in which we are engaged. We are told the Anglo-Indian community resent being called "birds of passage"; and they claim, though we do not admit the claim for a moment, to be the custodians of the interests of the masses of this country. The proof of the pudding lies in the eating thereof. The representative character of the Anglo-Indian community in India, official and non-official, will be judged not by their pretensions but by their deeds. A senseless opposition to our just claims in the supposed interests of the dumb millions of this country will not advance their own claims. What have they done for the masses? We have been clamouring and fighting for the education of the masses, for free and compulsory education. What have they done to help us? And yet every Britisher must know that there is no question more deeply affecting the welfare of the masses than this one of primary education. Failure is writ large on the conduct of the present system of Indian administration. Its blunders in connection with the Mesopotamian campaign have been the subject matter of scathing comment by a British Commission of inquiry. In its

internal administration, we find it carrying on its task armed to the hilt with a full panoply of repressive measure. No true Britisher can be in love with such a system of administration. The words of the great patriot, the late Mr. Gokhale, carry great weight with our Anglo-Indian friends, and for their benefit, I reproduce the picture of desolation of modern India drawn by his left hand in his Congress Presidential address: "Our whole future, it is needless to say, is bound up with this question of the relation of the two races in this country. The domination of one race over another—especially when there is no great disparity between their intellectual endowments or their general civilization inflicts great injury on the subject race in a thousand insidious ways. On the moral side, the present situation is steadily destroying our capacity for initiative and dwarfing us as men of action. On the material side, it has resulted in a fearful impoverishment of the people. For a hundred years and more now India has been for members of the dominant race a country where fortunes were to be taken out and spent elsewhere. As in Ireland the evil of absentee landlordism has in the past aggravated the racial domination of the English over the Irish, so in India what may be called absentee capitalism has been added to the racial ascendancy of Englishmen. A great and ruinous drain of wealth from the country has gone on for many years. The steady rise in the death rate of the country from 24 per thousand, the average for 1882-84, to 30 per thousand, the average for 1892-94, and 34 per thousand, the present average is a terrible and conclusive proof of this continuous impoverishment of the mass of our people. India's best interests, material and moral, no less than the honour of England, demand that the policy of equality for the two races promised by the Sovereign and by Parliament should be faithfully and courageously carried out." The extract is long but it deserved reproduction in full. Once more an announcement has been made in the name of the King Emperor promising to do away with this racial ascendancy. The British nation is at war with the most powerful autocracy in the world. Can

the British Government tolerate for a moment within the Empire a system of administration as rigid, as inelastic and as absolute, as Prussian despotism is? The British community in India will do well to ponder over these considerations before they throw themselves into the vortex of an agitation pregnant with bitterness towards the educated classes and breathing defiance of the British Cabinet, which has decided to remodel the Indian administration in the light of our claims and the new world-forces kindled in this war. Such an attitude will not advance their claims for political sagacity.

7. I would remind the Anglo-Indian community of what Lord Morley said in one of his Indian speeches. He said: "I have examined a great number of responsible communications from officers of the Indian Government..... They all admit that there is a fall in the influence of European officers over the population and an estrangement of refrigeration between the officers and the people; that there is less sympathy between the Government and the people; and that for the last few years the doctrine of administrative efficiency has been pressed too far.....The district officer is over-worked, and is forced into more official relations. Our danger is the creation in the circle of Indian Government of a pure bureaucracy—probably honourable, industrious and faithful, but very likely rather mechanical, rather lifeless, perhaps even rather soulless".

8. This statement is fully corroborated by the statement of the Hon'ble Tikka Sahib Ripudamansingh of Nabha from his place in the Imperial Legislative Council on 27th March 1908. He said: "My Lord, I should be failing in my duty if I did not draw your attention to the relations between Indians and Europeans which are at the present not at all satisfactory. A great deal depends sometimes on the commission or omission of little things. Men of birth and position, men who are received by His Excellency the Viceroy are often kept waiting under tree or in the verandahs of officials. The calls of Indian gentlemen are not returned; and yet if, to preserve his self-respect, an

Indian ceases to call on English officials, he at once becomes a target of suspicion, and is never given a chance of explanation. Indian gentlemen who have to travel by rail are often subjected to rudeness and great difficulties, may even some-times be bodily expelled from railway carriages. It has been said that this idea of equality of treatment is the fruit of English education, but if I may be permitted, I can safely say that to an Indian his izzat has been from time immemorial dearer than life itself. There is no doubt that title-seekers and placemen even now indulge in insincere flatteries. But it can be safely said that the true well-wishers of the Government are those who speak the truth plainly. Then, again European officers do not often show due courtesy and politeness either in writing or in conversation to Indian gentlemen. Their ignorance of Indian manners, customs, religions, language and etiquette, which they do not trouble to study, and consider not worth their while to learn, is a growing evil, and goes a long way to make their relations with the people of the country strained. Some Europeans cannot even distinguish an Indian Lady's name from a gentleman's. There are also other reasons for the strained relations which now unfortunately exist between the Europeans and Indians". I fully endorse in what had been said above. These are the relations that now exist between the Europeans and Indians in this country. This is the position and prestige the Indians hold in the eyes of the European community in India. What do the non-official Europeans do for their so-called wards when famines occur ? What are they doing for the plague-stricken people ? What about the education of the masses ? Do they care for anything except their own welfare and their pecuniary gains ? The lot of the Indian coolies is well-known throughout the world. Can the Anglo-Indians assert in spite of what has been said above that they are the custodians and guardians of the Indian masses ? It is a *reductio ad absurdum*.

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## The Anglo-Indian Agitation VI.

1. I would ask my Anglo-Indian friends to read and digest the views of Mr. H. G. Wells, the well-known English writer, in regard to what ought to be Britain's policy in India: "Great Britain has to table her world policy. It is a thing overdue. No doubt we have already a literature of liberal imperialism and a considerable accumulation of declarations by this statesman or that. But what is needed is a formulation much more representative, official and permanent than that: something that can be put besides President Wilson's clear rendering of the American idea. We want all our peoples to understand and we want all mankind to understand that our Empire is not a net about the world in which the progress of mankind is entangled, but a self-conscious political system working side by side with the other democracies of the earth preparing the way for, and prepared at last to sacrifice and merge itself in the world confederation of free and equal peoples. The time is drawing near when the Egyptians and the nations of India will ask us: Are things to go on for ever here as they go on now, or are we to look for the time when we, too like the Africander, the Canadian and the Australian will be your confessed and equal partners? "Would it not be wise to answer that question in the affirmative before the voice in which it is asked grows thick with anger."

2. The foundations of the Joint scheme of self-government by the Indian National Congress and the Moslem league clearly showed that we were fit for self-government and we would not be satisfied until we got it. The stage had come when self-government was bound to come into life. But the Anglo-Indian critics said that India was unfit for self-government and why? Indians know their country much better than others, they knew their wants much

better than others, they knew the interests of their country better and still they were unfit to govern themselves, and people coming from other country because they happened to belong to a particular race were entitled to govern them.

3. Our critics put forward some objections in our way to attain the self-government, the first of which was that the time was ripe. Surely the criterion for the attainment of self-government was not to be decided with reference to the standard of literacy of the people. What was the education of the barons who extorted the great "Magna Charta" the first step of the English Self-government. They could hardly sign their names. Then again what was the standard of the education of the Canadians, the Boers when they got the self-government from England. Still again what was the standard of education of Philipines when they got the self-government from America? The argument against self-government based on the illiteracy of the masses of our people is old and obsolete. We remember it being trotted out by Lord Hugh Cecil at a meeting of the Oxford Union in 1890 when the question of Indian reforms was discussed in a full-dress debate. It was then pointed out, as had been done before and since, that at the time of the Reform Bill of 1832, the percentage of literates in the United Kingdom was much less than what is now in India; and yet England then enjoyed full-fledged Parliamentary institutions. The Reform bill was passed and the middle classes were given their legitimate share of political power. You will not give us free primary education, notwithstanding our importunate demands and then you take advantage of our illiteracy caused by your own laches, to deny to us the privileges of self-government. In a Court of law, the plea would be regarded as impudent, and in the higher court where public opinion reigns supreme, it will be repudiated as absurd. Give us self-government and the illiteracy of our people will disappear as certainly as the night follows the day. It is not knowledge of literature or of science which is the best qualification for self-government. The institutions of self-

government, as Mr. Gladstone has observed, are the best training-grounds for self-government. The truth has been illustrated in Japan, in the Phillipine Islands, in Canada, in New Zeland, in the Transval colonies of South Africa, in Australia and even in United Kingdom itself. Some of the Anglo-Indians find fault with the representative character of our Legislative Councils. Whose fault is it, we ask? Have we not again and again, pointed out their defects from the press as well as from platform and suggested the remedies? But ours has been, in this as in many other matters, a Voice crying in the wilderness. There must be a thorough over-hauling, a recasting of the electorate and of the constitution of the Legislative Councils before they can be invested with control over the Executive and the internal government of the country. When they are thus remodelled and constituted, as we hope they will be in the immediate future, to whom could the government of the masses of their countrymen be more fittingly entrusted? To say that a foreign bureaucracy, and not their educated countrymen who are the best custodians of the interests of the masses is to indulge in a piece of grotesque absurdity worthy of Bedlam.

4. The second objection was that it might cause a friction between the Hindus and Mohamedans. But that objection after the meeting of the Indian National Congress and All-India Moslem League at Lucknow last year, could no more hold good. Whatever difference of opinion there might be they were unanimous in demanding self-government. Even if there was any difference of opinion in this point, still then the remedy lay in the self-government. Canada was divided into two camps, the French and the British before she attained self-government and when she had got it she had settled all her differences and the same thing might happen in India as well.

5. It was not true that the rulers of the Military classes of India are opposed to the granting of self-government. The Maharaja of Bikanir and the Maharaja of Alwar urged

for the uplifting of the status of India to the position of an equal partner with the rest of the dominions. Self-government is in the air. It is the cry of united India—of the princes and the people of Mohomedans and Hindus of all sects, races and creeds. Sir Henry Campbell-Bannerman had said that good government can never be a substitute for a government by the people themselves. I will go further and say that without self-government there can be no good government.

6. The last objection was that the demand of the self-government was the result of the selfishness of the educated minority. Whatever form of government there might be whether it was monarchy or democracy, bureaucracy or pedantacracy the actual executive and legislative powers must remain in the hands of a few. It was therefore futile to say that it was due to the selfishness of the educated minority. It is also urged against us that the higher castes in India, the educated communities, will dominate the lower and the more ignorant. The House of Commons was practically in the hands of the English aristocracy and the upper middle classes till 1832, and to this day it is, to all intents and purposes, a house composed of members belonging to those classes. In politics, Anglo-Indian administrators and traders are known to be inclined to the conservative view, who fought so strenuously against the curtailment of the rights of the peers. After all, the spectacle of the more enlightened ruling the less enlightened in the same community is as old as the world. We understand ourselves much better than the overland superman. We demand self-government. We must be qualified for self-government. We must prove ourselves equal to the occasion. We must show that we could bear arms against the foreign aggression, internal turmoils and for the defence of our hearths and homes. To achieve all these self-government is essential to us.

7. I would now discuss the reasons why India wants self-Government. I would urge that the backward state of

the industrial development, the low material condition of ryots and malguzars, the neglect of sanitation, the costliness of the administration, the omission to give commissioned ranks and military training to the people and the failure to do justice to India in relation to the dominions are reasons why power should be transferred from the bureaucracy to the freely elected representatives of the people. The people of a country are after all the ultimate judges of what they are worth. A fundamental change in the administrative machinery of this country is necessary to enable us to carry on our national development.

8. An objection has often been made by some who begin to feel rather shaky about their knees when the question of self-government for India is discussed and by others who in furious rage on similar occasions do not spare us the vilest invectives and most undignified recriminations. Both suffer from a mental hallucination. They ask and they wonder if Indians would drive every Englishman out of India the day they get self-government. The answer to this is a perfectly simple one. In the first place, I do not believe that any Indian desires the English people to leave India en masse even we get self-government. The expression indeed must be taken to mean self-government within the Empire and this definition itself precludes such a possibility. And in the second place, even the securing of an effective control in the Government of our country cannot mean the voluntary departure of all Englishmen from our shores. The commercial interests of England, our political relations with her, the scientific and literary, the social and moral education she has given us cannot take Englishmen away from India altogether. The obsession and the fear are purely illusory, born perhaps of their own diffidence if not of a misreading of the Indian mind.

9. The Anglo-Indian community who always sneered at those whom they dubbed politicians and agitators have begun to try their hands at politics and have even donned the armour of the political agitator ! The antics of this new fangled devotee at the altar of politics are no doubt very

amusing. But to every Indian observant this new activity of the Anglo-Indian in the country is a phenomenon which requires to be watched understood.

10. We had angry and loud denunciation both of the recent attitude of the Indian Government and of the demands put forward by the Indian politicians when our Anglo-Indian friends met some time ago in Kamptee under the presidency of their redoubtable champion, Mr. H. D. Cogan. Indeed the Kamptee meeting was characterised by hystories wilder than any that our Anglo-Indian friends are so fond of discovering in the utterances of our politicians. They dilated on the breach of what has been termed the political truce. One should have thought that this ideal pretext, designed merely to call a halt to the march of Indian progress, had, by now, been disposed of. At the beginning of the war the Indian leaders did give an undertaking to avoid all controversial questions during the war and it is a matter of fact that the undertaking was loyally adhered to by them. It is equally a well-known matter of fact that the breach of that undertaking came not from the leaders of the people but from the Government itself. Controversial questions were started in Parliament and proposals for reforms in the administrative machinery of the country were formulated behind the back of the people and their accredited leaders. In the face of all this, is it not absolutely wide of the mark to talk of the Indian leaders as having broken the truce ?

11. The cry that the present is not the time for the government to divert its energies from the successful prosecution of the war and take up the problem of a reform of the Indian administration is easily overdone and exaggerated. Some of the best minds of the Empire are at present busily engaged in devising measures to meet many post war problems. A very wide extension of the suffrage and the grant of the franchise to a large body of women have been adopted by the House of Commons and wide and radical changes in the educational system of England have been proposed and

are being discussed by the country. The representatives of Ireland, situated so near to the nerve centre of the Empire, are met in solemn conclave to decide on the future government of their country. And, in the far off colonies of England the solution of various internal problems is being pushed to a conclusion. Surely when the other parts of the Empire are discussing issues so far-reaching and momentous, and when the whole world is on the threshold of democracy and freedom, poor India ought at any rate to have the moderate luxury of a free and informal exchange of opinion between those in authority at home and in India to ascertain what steps the government might take to conduce to the development of self-governing institutions in India !

12. These are however merely the fringes of the position taken up by the Anglo-Indian community. The crux of their contention is that they have large vested interests in the country and that the very existence of those interests is jeopardized by the reforms proposed by the Indian politicians. We have heard of a vaguely mentioned distinct understanding on which British capital has been sunk in this country, and claims have been advanced to rights required by purchase and by conquest by the great unofficial corporation to which the Crown is said to have owed this great country. When cant of this sort is so freely talked it becomes most pertinent to inquire what these vested rights and interests are, what this vast stake of the European community in the country really is. Admittedly these are commercial and industrial interests, and the community is the owner of a large amount of capital invested in the country. And in so far as these commercial and industrial interests go, no Indian politician has ever said that these interests ought not to have adequate representation according to their numerical strength in the future government of the country. In fact, the Congress League scheme of reforms lays down that adequate provision should be made for the representation of important minorities by election. It is not then idle to pretend that the Indian leaders had entirely ignored the European community in their proposals ? We fail to per-

believe any necessary or inherent conflict of interests between European capitalists and traders and the sons of the soil. No doubt, in the past, the European commercial interest had entirely dominated the government of the country, and, it may be that the European, having so long enjoyed that domination, is unwilling that the Indian should claim a voice and a share in the industrial development of the country. But it is obvious that the commerce and industries of the land should be regulated and developed primarily in the interests of India and the Indians. Our European friends ought however to understand and ponder deeply that when they harp so constantly on their large stake in the country, they forget that the people of the soil have a far far larger and deeper stake in the land. The stake of the European community is after all very limited; whilst not only the material interests but the health and morals, the life and liberty, the very existence of Indians as a people are bound up with the future of the country.

13. It is futile to attempt to exploit Mill for your purposes and to try ingeniously to apply conditions said by him to be essential to the existence of full self-Government to the restricted form of autonomy which alone is at present the demand of the Congress and the Moslem League. It is equally useless to attempt to drive a wedge into the body of Indian opinion, to talk of Home-rulers and Congressmen, Brahmins and non-Brahmins, for where in the course of history has been witnessed the birth of a new nation without sharp and even violent differences of opinion? Nor will it help them to trot out their solicitude for the dumb millions of India. It is time that the Englishmen in the country fully realised that, barring the sycophants, the title seekers and placemen, all educated Indians, who after all are the kith and kin of those dumb millions, who speak their tongue,



and who live among them, are in dead earnest, that they support unequivocally and whole-heartedly the irreducible minimum of the demands put forward by the Congress and the League and that they are in no mood to be trifled with. Only when the Englishman realises this and realizing it, proffers his hand to co-operate with the Indian in the new conditions that will arise, will he be worthy of the great heritage which he claims to have inherited and true to the great principles laid down by some of his distinguished countrymen for the governance of this land.

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## The Anglo-Indian Agitation VII.



An American paper called the Christian Register defined the word democracy. While doing so it observed :—

“Democracy is something more than a form of Government something more than the freedom people gain to govern themselves, something more than the levelling of privilege and the breaking down of ancient narrowness of prerogative. The most impressive and fruitful part of democracy is its human economy. It brings all the resources of all people into what is far more than a melting-pot. It utilises the infinite possibility of human nature. It enlarges the area of choice. It abolishes human waste. It discovers power which under the best conceivable order of society otherwise would be undiscovered. It develops, creates what the most careful selection and culture could not bring to fruition. It is a natural order displacing artificial order and broadening to the full extent of human life. What makes it of such inspiring quality is not that it takes away superiorities to every human being. Democracy is universal human opportunity. It does not level downward ; but it does give entrance from every lower level to every higher level, so that the real levels in humanity shall be reached.

This shows what equality really is. It is not the impossible thing which in loose discourse it appears to be. The only equality meant by democracy is every person's equal freedom to make of himself all that is possible. The men who are in the training-camps get the best teaching as to what makes equality. All distinctions are abolished in order that the distinctions of service may be evolved. A millionaire gets no more consideration than his chauffeur who may be drilling at his side ; a learned professor learns something he may never have been taught before, that the boy who brought his groceries is his superior ; an ambassador takes

orders from a breakman. This would sound like anarchy and confusion, the very *reductio ad absurdum* of equality; but out of it, out of such conditions alone, grows all that human nature is capable of. Lincoln saved this country; rather we should say that the democracy which made it possible for the country to have a Lincoln at its head saved the country. Joffre saved France; rather the democracy which made it possible for a Cooper's son to command an army saved France. Democracy alone makes saviours possible. It is worth every sacrifice." Will the Anglo-Indians study this and keep it in the foremost place of their heart? Then only they will know what are the rising aspirations of Indians. Then only they will realise the truth of Indian ambition. Then only they will grasp that every nation is fit for democracy.

2. The service of penitence and humble prayer issued by the Metropolitan of India on the intercession day i. e. the 4th August 1917 is worthy of a courageous and faithful servant of God. It contains much that is inspiring and much that could not have been written without real spiritual illumination. To appreciate properly the profound wisdom to be found in some portions of it, a truly Christian spirit is required. To the Indians, who have been accustomed to recognize the working of the divine will in every aspect of human affair, the passages in the service containing high spiritual truths, which they have been unaccustomed to find in the generality of utterances of western divines in modern times must appeal in special degree. Part I of the service consists of confession, in which in very few words the course of naval and military affairs is reviewed, and stress is laid on the fact that the most striking thing has been that time and again we have been held back from victory by circumstances which were not or could not be expected. He appears to see in this elusion of victory the hand of Providence. He presents the situation in the following suggestive words :—

"From the time that the raiders of Scarborough escaped from under the guns of our grand fleet in a sudden storm of

rain to the time that the failing light impaired the victory of Jutland, the Navy has, as the saying goes, had no luck. The offensive on the land on the Somme and on the Ancre has been at critical moments held up by weather. Catastrophies have befallen our brave soldiers in more than one grave enterprise because of the irresolution and slackness or the head-strong ambition of chosen leaders. This is all known now to any one who read and think."

3. We may here add that the recent offensive in Flanders was followed by a heavy and continuous down-pour which considerably impeded the operations. The Metropolitan asks, "What was God saying all this while to our nation and Empire?" The following answer is given by the highest official representative of divine light in the land:—"You must change, you must change, before I can give you victory." "You must change," observes the Minister, is addressed to the nation as a whole and to all the individuals of it. Continuing, he states, that the year 1917 opened with the prospect of decisive military success in Europe. But the sudden collapse of Russia owing to the Revolution altered the whole situation and the train of events might have led to the conclusion of a peace unfavourable to the Allies. But that was not permitted, and hence the United States joined. Thus our nation is granted another chance to change itself. Let the British nation turn the search-light of its conscience inwards and cast out those moral shortcomings which stand in the way of victory. Let them not despise the richness of God's goodness and forbearance and long-suffering, but let them reflect that the goodness of God leadeth us to repentance. What are the confessions to be made by the people of Great Britain? They are as follows in the words of the Metropolitan:—"We confess unto thee. O God, holy and righteous, to whom all actions are known and from whom the thoughts of the heart can not be hid, we confess to thee, the sires, whereby as a nation we have grieved thee, our forgetfulness of thee and neglect of thy worship, our absorption in money-making and our abuse of

money, our greediness for pleasure, our extravagance and luxury, our indifference to the needs of others, our carefulness about the advance of thy kingdom."

"We confess that we have deserved the chastenings which thou hast permitted to fall upon us, and we pray thee to forgive all our sins, carelessness, negligence and indifference, for the sake of him who died for us, Jesus Christ, Thy son, Our Lord."

4. Can it be said that this confession does not express the real state of decline of the moral and spiritual ideals, which has been responsible for the senseless competition and international hatred that found its vent in the precipitation of the present Armageddon? In connecting the present war with the sins of materialism and irreligion, the Metropolitan has expressed the truth which lies behind the Hindu doctrine of Karma and which is often expressed in the homely saying "thou shalt reap what thou sowest". The minister has found signs 'that under the strain and exasperation of protracted warfare we are tempted to be unfaithful at heart to the objects for which we are fighting'. Referring to the demand in England for reprisals against German acts of brutality, the minister observes:—"If we commit or approve of our soldiers committing, unjust or merciless or dishonourable acts, we have but little right to say that we are fighting for justice, mercy and good faith. It is then hypocrisy for us to bring our cause before God". It is not alone against the German method of conducting the war that the British are fighting but also against the German principle that the strongest nation ought to subdue and enslave weaker ones. The minister tells the British people that as they stand for the right of nations to live and grow according to their own God-given nature, whether they be great or small; so they must keep their own consciences clear. In saying this he refers to the position in India in the following words:—"We have become the paramount power in India by a series of conquests in which we used Indian soliders and Indian allies.

**We have remained the paramount power in India because the Indian people needed our protection against foreign foes and against internal disorder. We must now look at our paramount position in India in the light of our own war ideals".**

**"The British rule in India must aim at giving India opportunities of self-development according to the natural bent of the peoples. With this in view, the first object of its rulers must be to train Indians in self-government. If we turn away from any such application of our principles to this country, it is but hypocrisy to come before God with the plea that our cause is the cause of liberty".**

**5. These are words of righteousness which exalteth a nation. Will Englishmen in India and England ponder deeply over these noble and just words of one of their most eminent divines, and accede to the national demands of India for opportunities of self-development and self-realisation? Can there now be any lingering shadow of a doubt as to what England's sacred duty is towards India? Never was more weighty support accorded to hallowed causes than has been done by the Metropolitan of India in the honest discharge of his duty as a minister of God. It ought to shut the mouths of all cavillers against the just demand of India and make the Anglo-Indians think seriously whether the policy of repression that is being followed can have any moral justification at all. This noble priest of God has more words of true wisdom to address to those who pride themselves on their Democracy without grasping the real meaning of it. The moral meaning of democracy that every human soul has a right to its own free life because God made each soul to have an infinite value.....Those who would truly fight for democracy must fight against oppression and against the exploitation of men and women by the rich or the powerful. They must fight for the right of the least of these men, however poor, weak, unfortunate or obscure, to live a real human life. To fight for the democratic idea is not merely**

or chiefly to fight for a form of government, but rather to fight for the recognition of the rights of every man and woman as our Lord Jesus Christ taught us, to think of them." Judged by this standard, where is the real democracy in the West? The international social struggles that characterize the countries of the west will not cease until this true spirit and ideal of democracy is realised. But it will be apparent from the observations quoted above that the service is singularly replete with words calculated to inspire, to chasten and to ennoble and we trust that it will not fail to clear and broaden the moral and spiritual vision of Englishmen and Anglo-Indians in this land. I will conclude my remarks by quoting from a prayer in the service :—

" O Thou in whose hand are the hearts of thy creatures : shed abroad thy peace upon the world. By the might of thy Holy Spirit, quench the pride and anger and greediness which cause man to strive against man, and people against people. Lead all the nations in the ways of mutual help and good will, and hasten the time when the earth shall confess. Thee indeed for its Saviour and King, and no evil deeds of man defile thy glorious creation ".

" Let us bring before God the democracies of the world. O Almighty God, who turnest the hearts of men as the rivers of water, we pray thee to look upon the masses of the people in every country whose hearts are now aspiring to liberty and self-government ".

6. The *Statesman* of Calcutta quoted the high authority of the Bishop of Bombay in support of its anti-Indian views against the grant of self-government to India. But the highest ecclesiastical dignity in India, Lord Bishop of Calcutta, has spoken on the subject and has urged the Government to prove true to its own war ideals and to train the people of India in self-government. We need hardly add in the words of Mr. Gladstone that the best training grounds for self-government are the institutions of self-government. It is by inaugurating these institutions that the Government will have taken a real forward step

towards granting self-government to the people. The above passages of Lord Bishop of Calcutta should be printed in golden letters. They are the outcome of noble heart which are truly Christian. Mark the words of Lord Bishop: "If we fail to train the Indians in self-government after condemning the German principle that the strongest nation ought to subdue and enslave the weaker ones, we shall stand before God as hypocrites!" His Lordship only utters an axiomatic truth, yet there is perhaps not another Englishman in India who will echo his sentiments. Compare the utterances of the Lord Bishop of Calcutta with those of the Bishop of Bombay published in the *Indian Social Reformer* of Bombay. His motto is "first deserve and then desire self-government." In other words, first learn to swim on land and then enter water: We wonder if the *Statesman* of Calcutta which spoke so appreciatively of these effusions, is going to come down on the Metropolitan of India for his heresies. Let the prayer of the good Lord Bishop of Calcutta be translated into all vernaculars of India and widely distributed. Let it be daily repeated by every one morning and evening and self-government ideas will go on spreading rapidly from house to house, and man to man. Indeed the noble Bishop has done an incalculable service to the cause of self-government in India by his utterances on a solemn occasion and we can not be too grateful to him for the same. I would also ask the Anglo-Indians in this country to read the Lord Bishop's prayer morning and evening and digest it in all their veins so that they may be true Christians and they may no more utter that India is unfit for the enjoyment of self-government.

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# Imperialism and Democracy,

## No. VIII

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*( Reprinted from Hitavada, 16th November 1917 ).*

Dr. V. H. Rutherford, the friend of Indian national movement, has recently published a famous pamphlet, "Commonwealth or Empire" which would do immense good to the soul of every Anglo-Indian to study and digest. In this book-let he has mercilessly attacked imperialism and its twin brother militarism, and in his vivid and forcible style defined the high aims and objects of democracy. True democracy is above nationalism and knows no distinctions of race, colour or creed. It is all embracing. It is still an ideal, and its complete realisation may yet be distant. Its principles lie deep-rooted in the highest teachings of each great religion. Shree Krishna, Christ and Mahomet taught them. Saints and prophets, in various climes and ages, preached the doctrine of equality and fraternity. But in spite of it all, its growth has been retarded by individual and national greed, selfishness and love of power. But there is no mistaking the signs of the times. The present conflagration-the inevitable fruit of imperialism and militarism, which embrace class privilege, capitalism and clericalism, as Dr. Rutherford points out, is causing acute heart-searching among those who were blindly running after the material objects of the world, forgetful of the higher objects of existence. The sensitive accidents, even before the outbreak of the terrible struggle, felt dissatisfied with the conditions of things. While Europe was one immense armed camp ready to jump into the arena for a trial of strength, there was a perpetual struggle going on among the classes and masses in the various countries of a most relentless character. The nature of this struggle Dr. Rutherford hits off in the following striking words :—

"It is not necessary to dwell upon the barbarity and inhumanity of industrial war, for in the case of lock-outs and strikes lasting over long periods of time, poverty, starvation, suffering, disease, torture, class-hatred and enmity are patent to all who have eyes to see and ears to hear; and, like war, the suffering is not confined to the combatent, but extends to allied trades and the general population, the greatest suffering falling on innocent women and children."

2. The realities of the war, with its attendant waste of the manhood of the various nations, and expenditure of vast quantities of wealth, have intensified many times the dissatisfaction of those who were previously feeling the necessity of a readjustment of social and national relations. Their perception of the evil that was eating into the vitals of Europe has become keener and more vivid, and this must be a source of mental and moral anguish to them. Preachers of revolutionary doctrines, of social and international justice have risen, hazy ideals pregnant with immense potentialities in moulding the future destinies of the world, are rapidly taking shape, and moving with irresistible force large masses of the bleeding and suffering humanity of the West. "The conversion of the Empire," says Dr. Rutherford, "into free self-governing and self-respecting nations is the decree of democracy, drenched with the devilry of militarism and capitalism. Monarchs are coming to be regarded as hereditary relics of an unscientific and undemocratic age". We have read of the republican and anti-monarchical movement in England itself. The ideas behind this movement find an echo in Dr. Rutherford's book. "This war of wars," says he, "has taught the peoples that Kings are a curse and therefore must go". Further he observes "The allies are out to smash militarism. Then let them make a clear sweep of kingcraft, which is the head and tail of militarism". Such strange and extreme deductions are being drawn from the war, as if the removal of kings would cure the evils of militarism from which Europe has been suffering. Such views only express a revolt against the existing order of things and naturally the

greatest wrath is directed, however unjustly, against those at the head of the State, without thought or discrimination. It will thus appear that a new democratic wave of great magnitude is spreading through-out Europe, threatening to sweep away existing institutions. The London Times draws attention to the danger in a series of thoughtful articles which it published. No doubt it will meet with strong counteracting and conservative forces, but the resultant will be a substantial step forward in the direction of the realisation of the real democratic ideas. India can not be isolated from feeling the effect of this democratic impulse. As a matter of fact, recent events have amply shown that she has received the impact of the forces of freedom liberated by the shock of the stupendous war, in which her sons have also taken a valient part.

3. To Indians the chief interest of the book lies in those portions of it which deal with India. The following questions put by Dr. Rutherford ought to be answered by the opponents of self-government for India :—

“ Has India to suffer the iniquity of being the brightest jewel in the British Crown or of being a star following her own course in the firmament of freedom, and of lighting the world again, as she lit it afore in art, literature, philosophy and religion ? Can India play her proper part, a useful and glorious part, in human evolution, while in bondage to Britain ? In refusing India self-government is not England a great barrier to freedom and justice in the world ? If India were under the iron heel of Prussia or Russia, would not Britons be the first to cry out intolerable iniquity ! insufferable crime against liberty ! and in the event of India fighting for her freedom would not Britons lend their aid, as they are now doing to free Belgians and Serbia ? ”

4. Some of these questions do not require to be answered after the declaration that the goal of the British policy in India is self-government and that a substantial step will be taken in the direction of giving India responsible government. But care should be taken that self-govern-

ment is granted to India within a reasonable period, so that the emancipation of the people of this ancient land may be complete within as short a period as possible, to the glory of England and good of India. For it must be remembered, as Dr. Rutherford truly observes, "the government of one nation by another cannot be good either for governed or governors, and that the atmosphere of subjection is poisonous, crushing all that is virile and worthy, and fostering all that is vile and ignoble." And further it should be remembered, again in the words of Dr. Rutherford, that "excellent as have been the contributions of Belgium and Serbia to civilization, they are in no way comparable to those of India, and the possibilities of three hundred millions of Indians seem to promise more to human experience and human progress than of fifteen millions of Serbs and Belgians." The writer calls upon the British democracy to "wake up to the fact that India is the greatest political prison in the world, and decline to be political gaslers any longer". Will those of British origin in this country who have been continually pouring a contempt upon India's demand for self-government note these words, and say whether they acted as agents of a boastard imperialism or of the British democracy, when they raised their voice against the legitimate national demand of India? These reactionaries, who wanted to make a scape-goat for Mr. Montague because he did nothing more than announce the liberal policy decided upon by the British Government with regard to India and try to act in the spirit of that policy, and who abused him to their heart's content, ought in very shame to hung down their heads, that with the British blood of freedom in their veins, they stood up as the champions of India's serfdom, and called those who claimed freedom under the crown as the enemies of England. Dr. Rutherford expresses the view that "British imperialism, with its fear of freedom and its distrust of subject races, found a formidable stumbling-block to the success of the allies. Any statesman in England with a particle of the political imagination and courage of Campbell-Bannerman would have

applied liberalism to Egypt and India by granting great measures of self-government to these countries, and on that safe foundation raised vast Egyptian and Indian voluntary armies, which would have marched through Palestine and Mesopotamia to Constantinople". Can it be denied that there is much force and truth in this observation? As regards the form of Indian self-government, the writer says that it is really a question for Indians to determine themselves. "It would be an act of pure cowardice and folly for democracy to shut its eyes to the consequences of withholding home rule from India", further observes Dr. Rutherford. The writer's remedy for the ills from which the world, and Europe in particular, is suffering, is a league of nations to enforce peace and to emancipate mankind from the barbaric arbitrament of the sword, as suggested by President Wilson. He, however, seems to think that the times are not yet suitable for the realization of the idea. For, says he, "the first condition precedent upon the success of a league of nations to enforce peace is the universal establishment of democratic government beginning with great nations, as they are the great disturbers. The second condition to be fulfilled before the peace of the world would be on a permanently safe ground is the steady development of the spirit of nationalism into the higher and more perfect and beautiful spirit of internationalism".

5. We are told that the comprehensive nationhood of India will be called into being in centuries to come. This denies the existence of Indian nationality, and on that assumption it is proposed to postpone the grant of full autonomy to India until an ideal Indian nationhood is built up at an indefinitely future date. First of all, we deny that no Indian nation exists to-day, in spite of minor differences which are easily adjustable, and secondly, that the test of nationality applied for the grant of self-government is unsound and inadmissible. The line of thinking is clear. If it is once admitted that an Indian nation exists, then the ground would be cut away from underneath the feet of the opponents of self-government for India, for has it not been

authoritatively stated that the British are fighting for the right of free existence of small nations and great? But even assuming that India is composed of many nations, this can be no argument for the denial of self-government to its people. In this connection I would like to quote the observations of Dr. Rutherford in his Book called "Commonwealth or Empire". He writes, "that India being composed of many nations, is not fitted for liberty, applies with equal truth to Great Britain, Germany, Canada and United States of America. A nation is a state of mind, and from that point of view India is a nation, as much as any other nation just mentioned, with community of interest which makes it one. That Hindus and Moslems would fight with each other if British occupation ceased is as likely to happen as that Roman Catholics and Protestants will tear each other to pieces under Irish Home Rule. Responsible government and common national aims have a magic curative effect upon racial and religious disorders. Home Rule for Canada did not lead to religious disorders". This ought to dispose of the objections of those who want to deny the rights of self-government to India by asserting that India is not one nation, but a congeries of nations.

6. Some objections against Indian self-government have been based on the existence of a party strife in our own midst. These have no great validity, as there is no self-ruling country without political parties and more violent party strife than we have here. In our present condition, however, we dislike and condemn party dissensions, because they stand in the way of a united effort to win civic rights. However, the existence of parties among us is really in one sense one of our qualifications for self-government. The system of party government has its faults, and they are great. Partisanship and factiousness are maladies from which parties suffer. But there may be healthy party activity free from the taint of partisanship and factiousness. All nations which wish to advance should have in their midst, as Mill says, "the antagonism of influences which is the only security for progress".

7. The occasional occurrence of riots, particularly of religious riots, has this year again been brought forward by the foreign Press of India and the Anglo-Indian community in connection with the Bakrid disturbances in Arrah and else-where, as a conclusive argument against the grant of self-government to India. As riots and disturbances of various descriptions occur in independent and self-governing countries, including England, and as they do not disqualify these countries for self-rule, we are not convinced either of the cogency or of the honesty of the arguments of our opponents. Instances of such riots are numerous in Western countries. I quote one of them here. I take the following Reuter's telegram from the morning papers dated London the 23rd June 1909. "Fifty Liverpool schools have been closed owing to fights between the Protestant and Catholic children aided by their mothers". We think Reuter has made a mistake. These fighting children are certainly Hindus and Musalmans in disguise, who suddenly dropped down on Liverpool, having travelled thither in fifty airships. For, we have been told by Englishman that India cannot have self-rule because there are religious faction fights here. The converse must also be true, namely, that in a self-governing country there can not be religious riots. And as England is self-governing, either Reuter dreamt a dream, or the children were Hindus and Musalmans in disguise.

8. The following telegram appears in the Australian papers dated London, the 29th June 1910. "While the Roman Catholic Bishop of Liverpool was driving to his residence after laying the foundation stone of St. Alphonso's Chapel, his carriage was stoned by a Protestant mob". Perhaps the news agency which cabled this piece of news to the Australian papers omitted to add that the people of Liverpool had been disfranchised on account of sectarian rancour having caused religious fanaticism. This has certainly taken place, because we have been often told that one of the causes why we cannot have self-government is that we indulge occasionally in religious riots.

9. Anglo-Indian extremist papers and British Tory journals do not fail to remind us every now and then that India cannot have self-government because, among other causes, there are occasional racial riots and religious feuds in this country. We find, however, that when such riots occur in Great Britain the people of the towns or countries concerned are not deprived of their franchise and other civic rights. The latest incident is the attacks on the Jews in South Wales which have assumed serious proportions. We hope none of the Anglo-Indians will call upon the British Government to disfranchise South Wales. It is therefore no sound argument to say that Indians are unfit for self-government as there are occasional religious riots between Hindus and Musalmans. The variety of religions in India does not constitute a political difficulty which should be allowed to stand in the way of the reforms we demand. If this objection were to be allowed to prevail, the path of reform may remain blocked for ever.

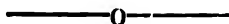
10. In his address at last Convocation of the Madras University, His Excellency the Governor of the French Settlements in India appropriately quoted a precept of Confucius, that represents the essence of political wisdom: "Govern others so that those near you may live happy and those at a distance may come and submit themselves to your laws". This consummation can only be realised when the Government is of and by the people and for the benefit of the people themselves. The happiness and contentment of a people are secured when they have their rightful place in the control of the administration. A government not amenable to the control of the people but dominated by a foreign and unsympathetic bureaucracy can not in the nature of things, govern in a way to ensure the happiness of those living under its care. The Governor of the French Settlements urged the young graduates of the Madras University to "set to work with determination to build upon a firm foundation for the institutions which will permit of every one to call to the head of affairs, men whose moral and professional qualifications are their chief and only recom-



mentation". It was the Queen's Proclamation of 1853 which the people of India ever regarded as the Magna Charta of their rights and liberties, that made merit the sole test of fitness for office. But unfortunately, the solemn pledges given in the Proclamation have been honoured by the Government here more in the breach than the observance thereof and attempts were not wanting even on the part of the highest official authority to explain away in a narrow, pettifogging spirit, the pledges of the Proclamation. In his evidence before the Islington Commission, Mr. Surendranath Banerji expressly stated that the plea for maintaining the British character of the service could not be justified in the face of the Queen's Proclamation. Moral and professional qualification should, therefore, be the criteria for admission even into the highest offices and the doors of no profession or service should be barred against any body by reason of colour or remain as the close preserve of any special or favoured class. A great deal of the discontent that prevails in this country would be effectively dissipated away if only this could be secured. The vested interests of the favoured class stand in the way of equal opportunities being given to all and self-government means, more than anything else, the throwing open to all, the means of rising to the full height of their being. But it is the invariable knock of vested interests to whine and hold up its hand in fear whenever the provision of equal opportunities is talked of as a subject coming within the range of practical politics.

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# Criticism No. I.



## Defects in Mr. L. Curtis's Scheme.

Mr. Curtis was known to have been busy for long with his scheme of constitutional reforms for India. It is generally believed that in developing it he had the co-operation of some European Officials also. The joint Indo-European scheme, which has just been published, bears such a close family resemblance to the views to which Mr. Curtis gave expression in pamphlets recently issued by him, that it seems likely that it is mainly his production. The non-official European community in India has been so much absorbed in the pursuit of trade and commerce and in making money, that it is highly improbable that it could have produced, unaided by a constitutional expert, a scheme which is impressive in its thoroughness and bears the stamp of a close study and intimate knowledge of constitutional questions. The scheme is revolutionary in some respects and reactionary in others, is based on the assumption of the utter unfitness of Indians for discharging higher administrative duties and is permeated with an undercurrent of racial conceit. It can only be called a scheme of reforms by courtesy. It is calculated to delay the grant of the first instalment of self-governing powers to Indians. It does not promise any substantial step of reform which can satisfy any considerable section of Indian opinion. It is too narrow in conception and too limited in aim. In short, it is both cranky and bureaucratic.

We will now proceed to make a somewhat detailed examination of the scheme. At the outset we would invite attention to the fact that it proceeds upon the basis that the 'comprehensive nationhood of India' will be 'called into being in centuries to come.' This denies the existence of Indian nationality, and on that assumption the scheme

proposes to postpone the grant of full autonomy to India until an ideal Indian nationhood is built up at an indefinitely future date. First of all, we deny that no Indian nation exists today, in spite of minor differences which are easily adjustable, and secondly, that the test of nationality applied for the grant of self-government is unsound and inadmissible. The line of thinking is clear. If it is once admitted that an Indian nation exists, then the ground would be cut away from underneath the feet of the opponents of self-government for India, for has it not been authoritatively stated that the British are fighting for the right of free existence of small nations and great? But even assuming that India is composed of many nations, this can be no argument for the denial of self-government to its people. In this connection we would like to quote the observations of Dr. Rutherford in the book he has recently brought out, "Commonwealth or Empire?" He writes:—

"That India being composed of many nations, is not fitted for liberty, applies with equal truth to Great Britain, Germany, Canada and United States of America. A nation is a state of mind, and from that point of view India is a nation, as much as any other nation just mentioned, with community of interest which make it one. That Hindus and Moslems would fight with each other if British occupation ceased is as likely to happen as that Roman Catholics and Protestants will tear each other to pieces under Irish Home Rule. Responsible Government and common national aims have a magic curative effect upon racial and religious disorders. Home Rule for Canada did not lead to religious disorders."

Then, again, as Sir Herbert Risley said, at the Royal Asiatic Society in London in 1910, on the authority of Sir Henry Maine, "The idea of nationality was first derived from India; and it travelled—Westwards. Political Unity is the natural products of three constituent unities; and provinces who knows that if the British in India had been less successful the Marathas might not have held the provinces of India into one nation."

This ought to dispose of the objections of those who want to deny the right of self-government to India by asserting that India is not one nation, but a congeries of nations. Now let us see what is to be the first step in the scheme of reforms. It is territorial redistribution, which must be taken at the outset. Every province is to be split up into a number of 'provincial states.' "Their areas should be commensurate with the larger of those like Hyderabad and Mysore, and should be determined, as far as possible, with reference to history, to community of race, language and religion, and above all, to effective self-government on true provincial lines." We used the word 'revolutionary' in characterising the scheme. Is this suggestion not revolutionary? For what does it amount to? The existing provinces which, it is admitted, have been formed on the 'basis of a map inherited from the Moghul Empire: and which have developed, during nearly a century of British rule, strong provincial sentiments, which are inspired by common aims and aspirations are to suit the convenience of theoretical constitution-makers, to be sub-divided before any scheme of reforms can be introduced? The solidarity of existing provinces is to be broken up, and small "provincial states" are to be carved out leading to disintegration and weakening of public opinion. This reminds us of the policy of divide and rule, though in a somewhat different sense. We cannot think of any province in which Indian opinion will agree to such a mutilation of provinces. Have those well-meaning Indians who have so thoughtlessly subscribed to the scheme ever considered what would be the time and cost required to effect the wholesale redistribution of areas in a country of the size of India, with its nearly 300 millions of population. As the redistribution is to be effected with reference to history, to community of race, language and religion, is it not easy to conceive how much heated controversy is likely to rage round every proposal for the division of areas? So many rival schemes will spring up and so much stimulus will be given to bitter communal and religious controversy, that our anglo foreign friends will have sufficient opportunity to

scoff and to rejoice. Verily the first step of self-government will be heralded with a storm of immense magnitude, supposing that in spite of competing claims for redistribution it will be possible to arrive at a satisfactory solution and to reconcile all parties though it might easily leave a legacy of bitterness behind, then will follow the actual delimitation of boundaries, involving a vast amount of labour. The existing administrative machinery will also have to be thoroughly overhauled and revised. Have the labour, cost and time involved in the radical alteration of the existing state of affairs been calculated? The consideration of proposals and counterproposals, the consultation between the provincial Governments and the Government of India, between the latter and the Secretary of State, their final settlement and execution may take a series of years. The whole administrative system in each province will be disturbed from top to bottom. If such a proposal cannot be styled as revolutionary, impractical, mischievous and fantastic, we do not know what else can be? The poor Indian tax-payer will have to pay the enormous cost of all this unnecessary overhauling. The Congress-Moslem League scheme was called revolutionary and crazy by our anglo-foreign wiseacres. But here is their own scheme, to which they have stood sponsor which contains such an utterly impractical proposal. Indians are not so devoid of political intelligence as not to see that the acceptance of the proposal would mean not only the postponement of the first instalment of reforms for a decade or so, but would also amount to committing political Hari Kari. Now when the areas have been redistributed the electorates will be formed for each provincial state. This may take another two or three years. After the mountain has been in labour for such a length of time, only the proverbial mouse will come out. Certain departments of administration will be transferred to new organs responsible to the electorates, which will simply become magnified district boards. For we are told that to the new assemblies, consisting of from 45 to 75 members each, and elected by the electorates, will be transferred "at least the

present functions of the district boards, coupled with the control now exercised by the Government over those functions." A ministry would be formed out of this body consisting of five ministers, the ministers of public works, of education, of local government, of agriculture and of finance. No one should be misled about the wholly inadequate nature of the powers of self-government proposed to be transferred under the scheme, by the use of high sounding words like the ministers and ministry. The 'ministry' will wield no more substantial powers than those of a district board on an expanded scale. Could a more generous and thoughtful scheme of reforms have been proposed? Is it worth the candle to turn the administrative machinery topsy-turvy to secure to the people this shadowy instalment of reforms. It is proposed to subdivide the United provinces into four 'provincial states.' Each state will have five ministers with their departmental staffs or secretariats as we should call them in keeping with the high-sounding names of the offices which are proposed to be created. So that in the whole of the United Provinces there will be 20 ministers with their 20 departmental establishments. A prospect to water the mouths of bureaucrats indeed: Now what will the minister of education do? He will look after primary education only. What will the minister of public works do? Look after the construction of roads and bridges? The minister of finance will simply look to the proper disbursement of funds to the new expanded district board. With all their petty and limited powers, will these new organs of government be really autonomous? No. It is undoubtedly stated in the scheme that "an undivided responsibility would rest on ministers, so far as the functions transferred to them are concerned. They would be responsible to the assembly for their decision, and provided they were *intra vires*, the Chief Commissioner would have to give legal effect to those decisions by his signature. No responsibility would rest upon him in respect of the transferred powers. But before signing their decisions he would have every opportunity of giving his ministers

advice, and, if they were wise, they would avail themselves of his advice to the full."

The above ought to make it clear that these ministers must act fully in accordance with the wishes of the Chief Commissioner. The ministers will no doubt be burdened with undivided responsibility, but their acts will be influenced, guided and controlled by the Chief Commissioner. Now who is this Chief Commissioner, who will act as guide, philosopher and friend to the "responsible" ministers, and who will hold them in leading strings? He will be the Senior Commissioner in the "Provincial State" who will control all the officers in charge of the reserved functions retained by the Government of the United provinces. He will be the constitutional head of the "Provincial State" i. e. like the Governor of the province like Quebec or Tasmania. The ministers with undivided responsibility will not be free to choose their own officers or agents for carrying on the administration of the departments entrusted to them. For we are told that the "new departments will be staffed from officers taken over from the services of the United provinces, all existing rights of the officers being strictly safe-guarded by law. In this operation they will be assisted, not only by the Chief Commissioner, but also by a Civil Service Commission of three" of which by the way, one of the members will be an Indian. Thus equipped with officers of other people's choosing very likely without the power of disregarding, dismissing or punishing them, and fortified with paternal and kindly advice of the Chief Commissioner, which they must accept to the full if they are wise, the responsible ministers must develop their departments and prove the fitness of the people within the area of their respective jurisdictions for a further instalment of transferred powers. If the most capable people in the world, and we do not claim that Indians come under that category, were made to work under the conditions prescribed in the scheme, then they would prove utter failures. If an example of travesty of responsible government were wanted it is furnished par excellence by the scheme. But there are highly

unfavourable conditions proposed which would guarantee the fulfilment of good intentions of the framers of the scheme, that India should be fit for full autonomy after centuries. It is to be noticed that primary education is to be placed in charge of the proposed ministry. The expansion of the primary education requires funds. The new organs of responsible government will be allotted a share of the consolidated revenue of the province, proportionate to the cost of the functions transferred ; in addition to which would be handed over certain specific power of taxation, which " would fall on provincial state electorate itself. In defence of this proposal we are told that the electors must learn from experience that, if they demand an extension of services placed under their control, the cost of the extension must also be met from their own resources. This condition is vital to their political training." Now it will be obvious that the funds at the disposal of the proposed ministry will be strictly limited. The present scale of expenditure on education, roads on bridges and agriculture is very insufficient. If only the proportionate cost of these is to be handed over to the ministry, there can be no doubt that, with the increased expenditure entailed by the creation of five ministers with their establishments, the amount available will be still more insufficient to allow of provision being made for the expansion of primary education or development of agriculture. Without adequate funds no improvement can be possible. If they want more money they must ask the electorates to give their consent to be taxed. The powers of taxation will be specific. It is apparent that these will hardly afford any relief. Even if in spite of the financial difficulties, the ministers succeed in developing the agricultural resources of the people, the scheme does not provide that the responsible ministry would be entitled to tax these resources. They cannot reduce the expenditure of the services that will be placed at their disposal by an obliging Chief Commissioner by reducing the salaries of the highly paid officers. Consequently the initial experiment stands every chance of failure on financial grounds alone. If the



funds are insufficient the ministers cannot ask for more because the scheme state that it must at the outset be laid down that during the 7 years' period (which is period of probation laid down for the initial experiment) no claim can be entertained or further administrative powers or further share of the consolidated revenue of the province; if the Government of provincial state proves its utter incompetence the assembly is to be dissolved if then the electors fail to establish a government competent to put matters right, and their area remains a scene of neglect corruption or disorder, the system must be suspended for that area. In the case of civil disorders brought about by the intolerance of the provincial state government, there must be powers of suspension. At the end of seven years the administration of these states is to be renewed by a commission which would report direct to the Secretary of State, recommending either enhancement or mere renewal of powers, or their total suspension.

No Indian, with any claim to political common-sense and national self-respect, can assent to such preposterous conditions for the development of self-governing institutions in the country. Were the fitness and efficiency of the existing bureaucratic governments in various parts of the country ever subjected to scrutiny, in order to ascertain whether they were fit to continue in power? Why should not commissions periodically sit in judgment over them? Why should it be proposed that the provincial state governments alone for the first time should undergo scrutiny? If the popular verdict counts for any thing then it has long since pronounced the unfitness of the present system of government to promote national welfare and prosperity. Indians do not want to be placed on probation before getting their birth-right. "The whole system it is stated rests on the principle of placing responsible governments on trials, testing capacity, and making recorded experience the ground of future advance." This grudging, calculating and wholly novel system of trials ought, apart from other serious defects of the scheme, to secure its condemnation.

The people are warned that "if the attention of the electorates is continuously diverted from social reforms to agitation for political reforms, progress towards responsible government is foredoomed from the outset. Therefore, while the beautiful scheme is in operation, Indians should shut their mouths and not indulge in political agitation, for thereby will their cherished object of gaining self-government, for which they can only be qualified after centuries, must be defeated. It is in the fitness of things that the noble document embodying the superb scheme should conclude with the following pious sentiments. "We desire that the foundations of responsible government in India should be laid in trust and amity between her people and those whose forefathers have given this system to the world, that our enemies may learn that we know how to realise its principles, as well as to defend them. We, therefore, unite to submit this scheme, believing that so, in the providence of God, a corner-stone may be laid in the commonwealth of nations for the perpetual union of East and West." These seem to be the words of one who felt inspired with a sense of high purpose and who believed in the perfection of the scheme. Strange indeed is the power of self-deception.

As we laid special stress on the fact that a great deal of time would be required in the redistribution of areas as proposed by the scheme and that it might take a decade or so before the new organs of Government, with their extremely limited functions and powers would come into being. Our apprehensions are supported by the observations made in the pamphlet embodying the scheme. It is pointed out that it was proposed by the Government of London Act of 1899 to abolish more than forty vestries, and establishing in their place a far smaller number of Municipal bodies. The whole scheme, including the constitution of the new bodies was clearly outlined in the measure. "Yet the parliamentary draughtsman situated as he was in the middle of the subject dealt with by this measure, with all the forces of the Local Government Board, the Home office, the London County Council, the City of London, and the vestries at his

disposal, was unable to cope with the innumerable details which had to be worked out before effect could be given to the provisions. In order to bring the new bodies into existence, it was necessary to delimit areas, fix the number of members and the various bodies, adjust their finances and disentangle and rearrange a multitude of details. All this was remitted to three commissioners named and appointed under the Act." If all this was necessary for such a comparatively small area like London is it difficult to conceive the formidable nature of the task that would have to be undertaken if the territories in the whole of India will have to be redistributed. We wonder how many hundreds of highly paid commissioners would be let loose upon the country. The various Government departments will be busy supplying materials to these commissioners. Some of the best officers will have to be deputed, with a large number of subordinates, to assist the commissioners in their stupendous task. Thus not only will the work of ordinary day to-day administration suffer, but progress in all directions will also be stopped. The finance of the Government will be severely strained after the war, owing specially to the charge of the hundred pound millions gift on the resources of India, and even in the best of circumstances it will be difficult to make both ends meet. Where will then the money come from for meeting the enormous expenses of the commissioners that are proposed in the scheme? Would it be by further starving education, sanitation and medical relief? We were the other day told by the Satrap of a province that Indians, with the exception of the people of Punjab were lacking in the saving grace of common sense. In the name of common sense we ask where is the money to come from to meet the cost of these commissioners, their offices, establishments, travelling expenses, the printing of their numerous projects, reports etc.? We are complacently told that it is not delay in bringing the new organs of Government that we fear. That of necessity is a task the details of which need time for their execution. For it is presumed that the people of India will not be found wanting.

in patience. Are they not the most patient people on the face of the earth? If it had been proposed that all the enormous work should be undertaken with a view to granting self-government to Indians in all the departments of administration in the provincial states proposed to be created, then possibly they might have reconciled themselves to the delay and the cost, though thinking the same to be unnecessary in the hope that, *say after ten years*, they would get full self-government. But as under the scheme they are to get nothing more than the petty powers of District Boards, or Local self-government on probation, and that even without the necessary freedom of choosing, appointing, punishing and dismissing the officers to whom the execution of these powers would be entrusted, it would be preposterous to expect that they would sit patiently and contemplate with admiration the task of the commissioners. But those who have drawn up the scheme were so utterly lacking in imagination and unacquainted with Indian feelings, that they thought that the energies of Indians would be devoted to aiding the Government and the Commissioners in working out the details and carrying them into effect. What self-delusion! the approval of the Indians to the proposal is assumed in advance. It will meet with the strongest possible opposition.

We have not so far dealt with that portion of the scheme which deals with the safe-guarding of European interest. It should be considered as a very important part of it. The following quotation from the joint address will be found informing:—"Lastly it is necessary to consider how an adequate representation can be secured for those in charge of commercial and industrial undertakings. These are largely financed from capital outside India, and are mainly administered by Europeans. They are in number a mere handful, but in the interest of new elected authorities it is essential that they should be represented in some proportion to the magnitude of the interest they control. It would be a calamity to India if they drifted into the position of *Uitlanders*. Their assistance is needed in building up the fabric

of responsible Government. Provincial state ministries and assemblies will have everything to gain by an adequate infusion of a race to whom the working of responsible government is familiar."

The concluding sentences are eloquent but they need a little explanation to bring out more clearly their full implication. We will invite attention to the manner in which it is proposed to form ministries. Certain electorates will be formed under the scheme which will elect assemblies consisting of from 45 to 75 members each. The Chief Commissioner as the "constitutional head of a provincial state would send for the member of the newly elected assembly who, in his judgment, was best qualified to command a support of that body and would ask him to form a ministry." The observation regarding the necessity of having Europeans in assemblies and in ministries should read with the procedure laid down for the information of ministries. Is it not possible that with the natural predilections a chief commissioner may have in favour of the members of his own race in an assembly, he may regard a European member of it as the best qualified to command the support of that body and call upon him to form a ministry. We do not say that it will necessarily be so in all cases, or a majority of cases, but the possibility will be there. And with the enormous influence the Chief Commissioner will wield, is it inconceivable that the members of the assembly or a majority of it would find it rather awkward to resist his nominee. As the safe-guarding of European interest is an essential feature of the scheme, it is not unlikely that those who drew it up had this fact not altogether absent from their mind. Then we are told that provincial governments should have power to step in where damage to industrial interests from the neglect of provincial states can be proved and do the necessary work at the cost of the provincial state government in default. This will be another form of European domination which will hamper the self-governing powers of the states. The British merchantile interests may demand the provision of special transportation facilities, and a provincial state government may honestly

think that, regard being had to the limited funds and to the other urgent calls on them, it would be unwise as well as inconsistent with its duty to the bulk of the electorate to spend the money required for the project, which may be a very costly one. At once a complaint will be lodged with the provincial government, neglect will be proved, and the said government will have the project carried out at the cost of the provincial state government, without much regard to the state of its finances, and satisfy the merchantile interests. This is an extreme illustration, but quite within the scope of possibility. India has suffered long from the domination of British merchantile interests, from the time of the East India Company to the present time. Are the affairs of India to be administered in the interest of these interests in future also ? So far as the scheme is concerned that seems to be the ruling principle recognised. For we are old that " the final certificate of efficiency would not be given to the provincial state government as long as it showed a tendency to neglect public utilities upon which the value of capital invested on productive undertakings in their area depends." We ask : was this test ever applied to the exiting administration ? And who will be those who will, in a most uncompromising manner, bring up the charge of neglect of public utilities to resist—" the grant of the final certificate of efficiency ? " The bitter opponents of self-government for India, the Anglo-Indian community. And yet such is the scheme to which some of our misguided Indian friends in a fit of absent-mindedness subscribed.

The Curtis' scheme of reform, grandiloquently styled as the Indo-European scheme, is a dangerous document. For the reasons supporting the proposals are stated with such consummate ability and in such a plausible manner, and there is such an air of detachment in the treatment of the subject, that it is little wonder that a number of eminent Indians in Bengal have succumbed to its ensnaring sweetness of language. Interspersed here and there are to be found fine passages of political wisdom, breathing liberalism, calculated to throw people off their guard as to the dangers lurking in

the scheme. How catching are the following candid remarks regarding the system of supporting the will of the Government by official votes:—

'The existing system of official members voting by order, irrespective of their personal views, is derogatory to their own position, wasteful of their valuable time, fatal to principles which should govern public debate and eminently calculated to create a feeling of antagonism between Indian and Europeans as such. It is also sincere. If Government cannot accept a motion of whatever kind, let the Governor say so and let that suffice'.

The present system is in conformity with the democratic principle of deciding differences of opinion by a majority of votes, though we admit that the official votes given are not free, and therefore amount only to a formal compliance with the democratic practice. Yet the scheme would do away even with the form, and substitute the undisguised naked will of the Government, thereby emphasizing its despotic nature. Then in another place we are told that 'the greatest need of India is that prompt and unmistakable steps should be taken to give effect to the policy outlined in the recent pronouncements. The only way in which this can be done, is by the early enactment of a measure by Parliament such as will set in trains the progress of India towards responsible government there foreshadowed'. How sympathetic! But this refers to the appointment of commissioners for working out the scheme of reform, the preliminary steps of which would be the redistribution of territories. Above we commented upon the delay that would be involved if the proposal for the division of provinces were accepted. It would thus appear that this seeming anxiety that there should be as little delay as possible in starting India on the road leading to self-government, is not supported by the proposal made for territorial redistribution, which can only lead to side tracking reforms. As an example of misleading analogies by which a number of proposals are sought to be established, we will only refer to the arguments

urged in support of the case for the sub-division of existing provinces. The analogies of Canada, United States, Australia and South Africa are cited to establish that under 'elective institutions provincial administration cannot be made effective for units of population the size of great nations'. Then we are further told that 'had America tried to develop on the basis of five or six provinces, each with subordinate provinces, each therefore on the scale, and organised on the pattern, of great federal nations, each would have felt and acted as nations. They would have fallen apart, and the United States would have failed to achieve national unity in accordance with the demands of nature, and good government. Her territory would have become the home of five or six nations, with no common control of interests common to all. Like Europe or South America, she would have become the theatre of ceaseless wars, instead of the home of internal peace'. Hence it is argued that, as the provinces of India are 'units of population equal or approximating to the scale of great European powers'. It would be impossible, 'for India to develop as a self-governing dominion, or to achieve genuine nationhood in future; unless each province is subdivided, into three or four parts. For, has it not been proved by experience that 'under elective institutions provincial administration can not be made effective for units of population the size of great nations.' Is not the logic of argument apparently flawless? But before examining and exposing it we would make one or two more quotations. In one place we are told that 'had the United States attempted to develop herself on the basis of five or six provinces, each would, for administrative reasons, have been driven to sub-divide itself into minor self-governing provinces commensurate in size with the existing forty-eight states; and in another that had states in America been too large at the outset to serve as the ultimate areas of provincial autonomy, no power could alter them now, short of conquest or civil war'. These two observations do not seem to be quite reconcilable with each other, but they have been made to urge the need of sub-division, and that at the outset; for later on it would be a



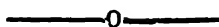
dangerous affair, compelling administrative reasons notwithstanding.

We will now examine the main argument. Do the analogies cited at all hold good with reference to the scheme of reform outlined in the 'joint' address? The examples quoted are all of fully self-governing dominions and countries. But the scheme under examination does not contemplate anything more serious than establishing glorified district boards on probation with narrow self-governing powers of a precarious nature. If it had been proposed that full autonomy should be bestowed on the provinces, and that an effective control should be given to the provincial legislative councils over the acts of the executive government as demanded by the Congress-Moslem League scheme of reform, then the analogies might have applied to a certain extent. But to make the sub-division of provinces as the starting point of the grant of petty powers of managing certain local affairs is like putting the cart before the horse. The argument that if the United States had comprised only 5 or 6 states it would have become 'the theatre of ceaseless wars instead of the home of internal peace like Europe, is clearly intended to imply, that if the Indian provinces are not disintegrated, they would fight with one another, when they attain autonomy'. The argument and the implication are as absurd as they can possibly be. It is something, however, to have an admission that, in spite of its boasted superior civilization, Europe has been the 'theatre of ceaseless wars'. Is it not rather curious that the warring nations of Europe should have been so anxious to meddle in the affairs of Asiatic countries, on the pretext of establishing peace and order and in not a few cases should have deprived them of their rights of self-government? But are the wars in Europe due merely to the fact that there are a number of states occupying large areas and forming separate nations? Why did Serbia, Bulgaria and Greece fight with one another? Were they not very small states? Is it not repeatedly being proclaimed that peace in Europe can only be established by the institutions of Germany which was the aggressor being

thoroughly democratised? Is it not stated that the war has been sprung upon Europe by German militarists? The establishment of democratic institutions has been regarded as the greatest safe-guard against international aggression? The establishment of democratic institution in the various provinces in India would be by itself a guarantee of mutual harmony and good will, no matter how large each of them is. But even supposing that the existing provinces, when they become autonomous, will begin to fight with one another, that ought not to disconcert the European supporters of the scheme, for will it not be after centuries, according to the anticipation of the scheme, when India will really become fit for self-government? No human ingenuity, skill and forethought can provide for the distant future. What we are concerned with is the immediate present and the near future, and so far as these are concerned, the scheme overlooks the claims of either. No one should therefore be misled by the spacious reasoning, false logic and inapplicable and irrelevant analogies with which the various proposals in the scheme are sought to be supported. Let it be remembered by all who love their country, who have its future well-being at heart and who believe that its vital interests demand the early grant of full autonomy, that the tender plant of self-government can not grow under the blighting shadow of the tree of despotism. This is what the scheme under consideration proposes to do, and Indians may rest assured that if its mischievous suggestions are given effect to they may remain in humiliating tutelage for centuries to come.

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## Criticism No. II.



### Defects in Mr. L. Curtis' Scheme.

We have given our best thought to Mr. L. Curtis's scheme, have carefully considered it from all possible points of view ; and our deliberate conviction is that it contains suggestions of a most dangerous character, and if these suggestions are adopted in the formulation of the steps that may be taken in the immediate future for the introduction of responsible Government in this country it will inevitably increase the complexities and difficulties of the present situation in India and imperil the cause of Empire which it is undoubtedly the aim and intention of the new Indian policy, to protect an advance.

There is no indication in this document of its authorship. It is, we are told, "a record of meetings, held at Darjeeling and Calcutta, discussed the position created by the pronouncement of the 20th of August of Indian policy, by the Imperial Government." There is internal evidence to fasten the responsibility of the drafting of this document upon Mr. Lionel Curtis, for it follows with suspicious closeness the lines of the pamphlets recently published by him on the problem of Indian reform. But though the form may be his, we cannot justly free others who have put their signatures to it, of all responsibility for the fundamental ideas adumbrated in it.

The very first thing that strikes up in this document, is the assumption of complete unfitness of India for that responsible Government which it is the professed object of this new Indian policy to initiate. The signatories are forced to accept this policy, because, as it is plainly stated in the explanatory memorandum prefixed to the terms of this "treaty" as Mr. Curtis has been heard to pompously describe it, that "it was issued as embodying the policy of

the Imperial Government upon which the principal parties in Great Britain are now represented. As no contrary motion has been raised in either House, it must, in accordance with all precedents be recognised as a declaration of policy accepted unanimously by the supreme legislature of the British Commonwealth. In view of these considerations we agree to accept the pronouncement of the 20th August as common ground within the limits of which the discussion take place."

Here we have the whole secret of the acquiescence of the Anglo-Indian signatories to this document. The all but universal cry of Anglo-India has hitherto been the utter unfitness of the people of India to undertake the responsibilities of "responsible Government" in any measure, at the present time. The Anglo-Indian Press has almost unanimously held this declaration of Policy by Mr. Montague as dangerous and revolutionary. And we can very well understand what difficulties Mr. Curtis had to overcome to induce the Anglo-Indian leaders to accept it in the way they have done in this document. It has been accepted with great reluctance, simply because it is absolutely inevitable and nothing they can do is likely to alter a policy that has been unanimously accepted by all parties in British politics.

Having been forced thus, to accept this policy, it is only natural that they should try their level best to minimise the dangers of it. "Since we cannot compel the revocation or repudiation of this dangerous policy, wisdom counsels that we must try and so manage the practical steps that may have to be taken in pursuance of it to be as safe as possible. Since the initiation of this dangerous experiment cannot be prevented, let us put our heads together and devise such means as will minimise these dangers as far as possible, and whittle down the practical steps that may have to be taken in this matter by the Government to more or less complete futility. This seems to be the real psychology of this precious document. This is the plain meaning of this so called joint address."

It is therefore only natural that it should treat the people of this country as imbeciles and children. All through this document runs the assumption that India is not entitled to the status of "nationhood." The one thought or idea that runs through every line of it is that India must for the first time in its history be "made a nation." It interprets the new policy as implying the calling into existence into India of a self-governing nation or nations on the lines of the great self-governing dominions. The author or authors of this document seem to fancy that India has no past worth considering ; that it is practically clean slate for her British masters to write and draw their own ideas and thoughts upon.

And even this evolution must be a matter of centuries. For, the authors of this document speak of "the comprehensive nationhood of India to be called into being in the centuries to come." And this being the stand-point from which this "Joint address" is written no one need be surprised if as the "Bombay Chronicle" puts it "it presupposes an amount of childishness and incapacity among the classes and masses constituting an unadulterated insult to the Indian people." And our contemporary adds that "any sane Indian should be so blind to his own and his country's interests as to subscribe to this impracticable and reactionary scheme is almost incredible."

We would earnestly appeal to our countrymen to do nothing of the kind without having carefully gone, not only through the 12 items of this "treaty" but also through the preparatory and explanatory "memorandum" prefixed to it which really explains the true nature and psychology of it.

### **The partition of the Provinces.**

The spirit of this joint address is seen in article (3) of the agreement which lays it down :—

"That the existing provinces need not be assumed to be areas suitable as a basis for responsible government, but such areas must be settled at the time when the first instalment of responsible government is granted."

It seems an innocent enough proposition on the face of it. The memorandum of this agreement also admits that the individualities of the Bengali, the Maratha, the Sikhs, the Canarese and all the other numerous races must each find their place as subnationalities in the coming Indian commonwealth. So far there is nothing mischievous in this proposition.

But we are afraid that its inner idea is to dismember even those provinces that have linguistic homogeneity. For we find that in the idea of the authors of this agreement, Burmah must be eliminated from India and this must be the first step in that reconstruction of the province which is to lead to responsible government in the provincial units.

"If India is now to be governed with a view to becoming a self-governing nation, Burmah, by reason of her situation, never can have a place in its national fabric."

And the only reason that is assigned for it is that Burmah has less in common with India than Ceylon. But Ceylon has been waiting to enter into the Indian commonwealth, as an equal partner with the others in its common life and rights. Geographically Burmah stands outside the Indian peninsula, it is true; and so does Ceylon also. But culturally Burmah has close an affinity with India as she has with China. Besides what is to be the position of Burmah in the coming federation of the Empire? Is Burmah to be left to be a dependency or a crown colony, which is practically the same thing, of Great Britain and a rappy dumping ground for the white exploiters of the Empire, while India is being gradually raised to the status of free and equal partnership in the Empire?

No one with the imagination of the true statesman would counsel this policy. The future historic evolution of India will be bound to be very materially influenced either for good or for evil by the historic evolution of China and Japan. And no sane statesman would leave Burmah which touches the Chinese border in a state of isolation from India, and cut off from the new rights and liberties which

the introduction of responsible government will bring in its train here. To keep Burmah as a dependency or crown colony or to permit her fate to be dominated by Anglo-Indian exploiters and colonial adventurers as it is bound to be, if she is cut off from the larger life of awakened India, would be to leave her a prey to Chinese or Japanese intrigues. It would not be safe for India or for the Empire.

But not only would these constitution makers cut off Burmah from India, but they would also cut up the larger Indian provinces, however homogeneous they may be into smaller provinces. The argument is that all our major provinces are of the size of great European States ; and as such if responsible government is granted to these and they are permitted to grow into full-fledged autonomous units, they will feel and act as nations and will fall apart ; and the unity of India will be broken up into five or six independent nations. The authors of this agreement have been forced to this prognosis by their experience of Europe and America. We are thus confidently told that

“ had America tried to develop on the basis of five or six provinces each with subordinate provinces, each, therefore, on this scale, and organised on the pattern, of great federal nations, each would have felt and acted as nations. They would have fallen apart, and the United States would have failed to achieve national unity in accordance with the demands of nature and good government. Her territories would have become the home of five or six nations with no common control of interests common to all.”

But America did try it because she did not grow to any body's order. The American states grew as small colonies and all their past history was the common history of their mother country and the new history of their infant colonies. They grew in accordance with the demands of their race-consciousness and their local conditions. The lines of development were not laid down by clever constitution-makers but by Nature working through historical instruments.

And none except a charlatan would seek to impose an outside plan upon the historic growth of the Indian provinces. Bengal is a province not by the verdict of the British East India Company but by that of past history, that traces itself back to pre-historic times. Similarly, Maharashtra also has a past history of its own. In Madras the Telgus and the Tamils and the Canarese have been united under one administration, it is true ; but this artificial administrative union has not destroyed the distinct individualities of these peoples, nor has it wiped out their different histories and national and racial characteristics.

With the quickening of new national consciousness, all these different racial or cultural units have been demanding provincial freedom and autonomy. All these must be fully recognised by us in formulating our schemes of provincial responsible government. But to say that, the mere geographical extent of any province, though it may be otherwise united in a common historic past and common social economy and cultural life and a common language and literature, is a reason for its dismemberment, because, unless it is reduced in size, responsible provincial governments cannot be introduced, is to ignore the very fundamental sociological truths and national or racial evolution.

And we refer to this, because though it is not clearly and openly mentioned in this memorandum, the idea at the back of its author is, that in the working out of article (3) of this agreement, as quoted above. Bengal will have to be cut up in four parts. And this revelation condemns the whole scheme as not only immature and unnatural, the creation of the common European conceit of applying the undigested generalizations of European history and politics to the solution of Asiatic and other non-European problems, but it is, whether consciously or unconsciously, pregnant with possibilities of endless mischief.

### **The supreme and provincial Governments.**

This joint address, which we find is being signed in increasing numbers by the members of the Indo-Anglian and



Anglo-Indian communities of Calcutta, agrees that the first step towards the responsible government cannot be taken just now in the sphere of the Central Government or the Government of India. In one sense, this is a reasonable proposition, but in one sense only. The Government of India is, or ought to be the organ of administration for India taken as a whole. There are certain matters that affect all the Indian provinces ; these must be managed by the Government of India. The different provinces cannot be called upon to undertake these special functions of the Supreme Government. Then, it should also be considered that India is not an isolated political unit, but forms part of a larger organisation or organism, called the British Empire. As such India has certain relations with Great Britain and the other parts of the Empire.

At present, these imperial affairs are managed directly by the British Cabinet, to the control of the British Parliament. But in the inevitable reconstruction of the Imperial functions at present discharged by the British Parliament, will have to be made over to a council of the Empire, wherein all the various Governments and states inside the Imperial organisation, will have to be adequately represented. In that reconstruction, India will have to be given her rightful place in the council of the Empire. But until this construction takes place, the British Parliament through its own executive, the British Cabinet, must naturally exercise full control of all foreign relations of India, as well as, of all matters affecting her relations with the other parts of the Empire.

It necessarily follows from this that the Government of India must, for the present, and until the council of the empire is formed, be subject to the control of the British Cabinet and be responsible to the Secretary of State for India as the special minister in charge of Indian affairs for its acts and policy. And in this sense, it is true that not only the first steps, but really no steps towards responsible Government can be taken in regard to the Government of India, or the

central Government, as it is called here, in this joint address, until full responsibility is given to the Provincial Governments, and the Council of the Empire is formed. At the same time, there is no reason why the Government of India cannot be immediately relieved of some of its functions that legitimately belong to the provincial administrations; and to that extent, why the latter may not be made fully autonomous? But this joint address has not cared to discuss this question at all.

And we may be pardoned for saying that this has been deliberately ignored by the author or authors of this joint address, because the movement they approached the problem before them from this stand-point, they would have found it difficult, if not altogether impossible, to get up a plausible case for their mischievous scheme. And this suspicion seems to be justified by the fact that in his previous studies on this subject, Mr. Lionel Curtis very clearly indicated the real character of the existing Government in India. He distinctly said that there was only one Government in this country, and that was the Government of India. The Provincial Governments are scarcely deserving of the name. But we had better allow Mr. Curtis to put his own case himself. In his "Indian studies No. 2." in section 18 he wrote:—

Indeed I would go so far as to say that your so-called provincial Governments are scarcely deserving of the name. They are merely the Government of India operating in the provinces. One curious manifestation of this is the peculiar position of the J. C. S. in the provinces (see report of the Decentralization Commission, sections 31, 34, 38, 39, & 40). The members of this corps are still expected to supervise all the Executive Departments of Government, although to a lesser degree than formerly. The Commissioner and Collector still supervise and report upon the schools, the police, the forests, the Irrigation Department, the P. W. D. and so on. In a great measure the J. C. S. remains the Government of India in the provinces.

In that study Mr. Curtis definitely declared that we "must evolve a list of matters which provincial Governments can regulate for themselves, subject only to such a veto by the Governor-General as exists in Canada". And we should very much like to know why there is no suggestion in this direction in his latest scheme as embodied in this joint address?

The reason, as we suspect, of this omission is, that had this joint address proceeded along this reasonable and practical line, it would have found it difficult to fit its scheme of "dyarchy" as Mr. Curtis called it, into these proposals. For, the moment you divide the functions of the provincial government from those of the Government of India, the problem of responsible government is very much simplified. After this demarcation of functions, no opposition can be offered to the immediate introduction of this responsible government in, at any rate, the more advanced and better organised provincial administrations, on the pretence of protecting imperial rights and interests. All the opposition that can then be advanced to it must be on the ground of the in-capacity of the people of the province, or of any large section of them, to undertake the responsibilities of managing their own affairs.

Indeed it is very significant that in this joint address, this question of the capacity or incapacity of the people to undertake the responsibilities of self-government or discharge the duties that it will impose upon them, has been quietly passed over, possibly as too dangerous a ground to touch upon in a document for which the signatures of Indian politicians had to be obtained. We feel confident that had it been bluntly said that full responsible government cannot be introduced even in the provincial administrations, because the people, whether they belong to the classes or to the masses, are utterly unfit to undertake these responsibilities, a good many of these amiable gentlemen, who have been persuaded to sign this document, would have sternly refused to do anything with it. That argument would hurt their

self-respect. To be told that while the colonial squatter, and the unwashed and beer-soaked Britisher are fit to participate in the Government not only of their small states or inlands, but of the great British Empire itself, the Indian, however educated and enlightened he may be, is incapable of looking after his own provincial affairs, would have shocked the sensibilities of even the most Anglicised of our countrymen. This joint address therefore, cleverly puts this plea out of sight, and tries to "samjao" some of our shrewd lawyers and landlords that full responsible government cannot be introduced into the provinces just yet, because we have not the requisite mechanism for the working of the advanced pattern of government.

### **The Plea for Dy-Archy.**

The central idea of this joint address is that the first step towards the introduction of "responsible government" in this country, must be the formation of what Mr. Curtis call "dy-archy." In plain English, the idea is that there must be two governments working side by side in the provinces, one the present government responsible to the viceroy and the Governor General and through him to the Secretary of State for India and the British Cabinet and Parliament; and the other, with certain specified powers and functions to be specially handed over to them, which will be appointed by the elected members of the Legislative Councils, and responsible to them for its acts and policy and removable by them from office. For the establishment of this "dy-archy" or dual government it will be necessary to divide the present functions of the provincial governments into certain groups. Mr. Curtis divided these into the following four groups:

(1) Agriculture; Co-operative Credit; Factories; Archaeology; and Museums, Registration of deed; Control of professions; Roads and Bridges and Local Railways.

(2) Forests and Irrigation.

(3) Public Health; Hospitals; Dispensaries; Local Government, and Education.

(4) Excise; Assessment and collection of Land Revenue; Stamps; salt; opium; Civil and Criminal justice; prisons and police. And Mr. Curtis says, in his "study No. 2" section 33—

"Now under the proposal I am going to make to you, the Legislative councils remodelled on the lines sketched above would continue to cover the whole field of provincial administration in their discussion. Let them be free as at present to suggest any-thing and to discuss anything, setting in their present capacity as advisory councils. But let these councils also sit in another capacity, that of responsible legislatures in a self-governing colony, destined to become the province of self-governing Dominion. To each Legislative Council sitting in that capacity you might entrust certain of the powers scheduled above together with the proportion of revenue spent on them during the last few years. Those powers and those revenues you would leave them to administer on the lines of responsible Government. Then as each electorate and its council proved its capacity the task already assigned to them would add other powers and revenues, either singly or in groups. The last powers to be added would be the administration of the courts, the prisons and police. The council would in fact sit in two capacities. In one capacity it would sit as at present as an Advisory Council convened to discuss all matters of provincial Government. In another capacity it would act exactly like the legislature of self-governing colony in respect of the functions and revenues which had been transferred to it. There will, thus, during the transition stage, be two sets of functions, those transferred to the control of the council and those reserved to the present provincial government."

We have given this long quotation from Mr. Curtis's previous writings to present from his own statement, a clear idea of what article (5) of the joint address really means. This article runs as follows :—

"That during the period of transition, governments of two types must co-exist, the one responsible to electorates

for specific powers, the other to the Secretary of State for all other powers; that the responsibility of each must in fact be a real one, and their powers must be sufficient to enable them, to discharge that responsibility efficiently."

Now it must be evident to the meanest intelligence that the whole meaning and purpose of this proposal is to keep the present bureaucracy in practical control of the provincial governments. And the so-called "responsible government" to be instituted by the transference of certain specified powers and functions are to be at the mercy of this bureaucracy for the success or failure of their experiments. Mr. Curtis gave us some idea as to how this "responsible government" would be formed, according to his plan, in the first stage. The transferred powers, that might be made over to a council or Cabinet, formed by some member of the provincial legislative Council who had the confidence of the House, might be grouped into four portfolios, according to Mr. Curtis. These are :—

- (1) Agriculture and Co-operative Credit, in charge of the ministers of Agriculture.
- (2) Factories, Archaeology and Museums, Registration of Deed, control of professions ( forests ? ) in charge of Provincial Secretary.
- (3) Roads and Bridges, Local Railways, Buildings required by the Administration ( Irrigation ? ), in charge of minister of Public Works.
- (4) Transferred revenues and sources of taxation, in charge of the minister of Finance.

These details are not found in the joint address. In fact, it seems to us that these have been purposely omitted from it; because the introduction of these details would reveal the mischievous possibilities of this agreement and prevent many people from putting their signatures to it.

### **Mr. Curtis's Dy-archy or Duel Government. Our last word on the subject.**

An esteemed friend has asked us to explain what this "dy-archy" or duel government really means? It means,

as any one who has read the so-called joint address knows, that during the period of transition from the present bureaucratic system to a system of full and complete responsible self-government in this country, there shall co-exist two administrative authorities and machineries in our provinces, one of which will be the present executive authority, responsible to the Viceroy and Governor-General and through him, to the Secretary of State for India and the British Cabinet and Parliament, who will be appointed and may be dismissed by the authority of the Secretary of State only. This Government will not be subject to any manner of constitutional control of the provincial Legislative Councils, which will remain, as now, mere advisory bodies in relation to this Government. To this Government will be entrusted all the major and really vital functions and departments of the Government, as they are now. This Government, which will own no manner of responsibility to the people or the Legislative Councils selected by them, will as now, control the police and direct the administration of criminal justice, and raise and collect all the revenues of the province and generally manage the fundamental business of the Government.

Side by side with this Government, which will continue to be an "irresponsible" and autocratic government, there will be set up another executive which will be formed, like the Cabinets of self-governing states, by the members of the Legislative Councils who may command a majority in that council by inviting their friends and followers in that council to take charge of the different portfolios that may be placed in their charge. To this Government, which will necessarily be responsible to the Legislative Councils, and not to the Viceroy or the Secretary of State for India, and through these councils to the people who will elect them, will be transferred, as Mr. Curtis says, certain powers and functions of the Provincial Governments and this responsible executive will manage these transferred departments for a period of 7 years, without any let or hinderance from either the

provincial bureaucracy or the Imperial authority, except in case of gross mismanagement, when, of course, their powers may be taken away by the Governor-General in Council, just as those of existing Municipalities are liable to be suspended by order of the provincial governments.

This responsible government, entrusted with certain specified powers transferred from the irresponsible governments, will also be given a share of the consolidated revenue of the province, which share will be determined by an examination of the average cost of the transferred departments for a few previous years. If, however, the responsible government finds it necessary to spend more money on the works transferred to them, they will have the authority to raise it by fresh taxation which must fall upon the electorates of the province itself.

This arrangement is to last definitely for a number of years, say, seven. This period must be fixed at the beginning of the experiment. At the end of this period the administration of these transferred powers by this responsible government, will be examined by a body of Commissioners who will report directly to Parliament the results of their examination. And if it is found then that the transferred departments have been properly managed, then there may be further additions to these by the transference of other and more important powers and functions from the irresponsible to the responsible government of the province.

But even in regard to these transferred powers, this so-called a responsible government will not be free to act just as they think right and proper. Articles (8 & 9) of the joint address limit these powers in certain directions. These articles are as follows :—

(8) "That legislation passed by provincial state governments affecting commercial and industrial undertakings should be reserved for the sanction of the Secretary of State, and a limit or time should be laid down, within which representations from the interests affected can be received by him : and further, that instructions to this effect



should be included in a schedule attached to the Act of Parliament in which the scheme of reforms is embodied".

(9) "That the provincial governments responsible to the Government of India and the Secretary of State, shall have the power to do or repair public works, upon which the value of invested capital depends, neglect of which is due to the default of provincial state governments, and to charge the costs thereof to the revenues assigned to the Government in default".

This is the meaning of Mr. Curtis's dy-archy or dual government in which so many of our lawyer politicians have found such a reasonable solution of the problem of responsible government in this country. But, none but the initiated can see any virtue in it. Theoretically, this so-called dy-archy has been condemned by every political thinker from Plato downwards, who characterise it as only next door to anarchy.

Practically, under the peculiar conditions of this country, this dual system, owing to the natural jealousy of the irresponsible government of its new rival that may some day appropriate all the functions of Government to itself and reduce the permanent official classes to their normal state of subordination and comparative in-consequence and impotence, this experiment has little chance of even getting a fair trial. The responsible government with the limited finances that may be placed at their disposal will not be able to remove any of the defects of the present administration, and will therefore fail to show any appreciable improvement upon the existing order. If however, they use their power of imposing fresh taxes upon their electorates, these new burdens upon an already overtaxed people will be bound to create deep and wide-spread discontent and contribute to the instability of the new responsible executive.

As regards the powers and functions that may, in the idea of the signatories to this joint address, may be immediately transferred, we read in the memorandum prefixed to it that:—

"By this scheme the new Governments would at once be vested with the full control throughout their areas of—Roads and bridges, Primary education, Local Government". It will thus be seen that even with all its defects and incongruities, the Curtis scheme, which has been accepted with such avidity by some of our politicians, does not go much beyond the scheme of Local self-Government enunciated nearly forty years ago by Lord Ripon. Lord Ripon's idea was to vest all the powers enumerated above by Mr. Curtis, in local bodies elected by the people. All that Mr. Curtis has achieved here is the investiture, not of local bodies, but of the provincial legislative councils, with these local works! But Lord Ripon did not contemplate the supersession of his local bodies at the bidding of planters and others for the execution or repair of public works "upon which the value of invested capital depends"; Mr. Curtis has kindly provided for this also. And this is the precious scheme to which so many of our great politicians and statesmen have put their signatures.

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## Criticism No. III.



### Mr. L. Curtis' Scheme.

First impressions are often erroneous. Prejudices once acquired die hard. When Mr. Curtis came out to India he was regarded as a suspect, as an agent of the Round Table group with sinister designs to work for the idea of bringing India under the domination of the self-governing dominions. Then a private letter of his was published and people read into it the confirmation of their worst fears. It is possible that not knowing India he had honestly formed certain conclusions on imperfect data as to the place which India should occupy in the future imperial structure. It might have been that convinced of the soundness of those conclusions on a priori grounds, he came to India to find materials to strengthen them so as to carry conviction to other minds. For he is nothing if not thorough. Constitutional problems have a strange fascination for him. He is neither perplexed by their complexity nor disheartened by the opposition which may be offered to his proposals for solving them. He is supported by the consciousness that his programme of constructive reform is based on sound reason and is convinced that this must in the end prevail over prejudices or misconceptions. He has been the victim of much misunderstanding, and it cannot be denied that even now, inspite of all that he has written in favour of responsible government for India, and in spite of the attacks to which he has been subjected in the columns of the Anglo-foreign press, misgivings about his aims and objects have not entirely disappeared. He has dealt with the subject of responsible government for India in a series of studies in a very thoughtful and illuminating manner, but unfortunately they have not received the serious consideration they deserved. The fact seems to be that he came out to India with

a certain wrong mental picture of the conditions existing here on which he had based certain theories which it might be conceded, were tentative. But he found that the real India was different, perhaps radically, from what he had conceived it to be in his study. He felt throbbing force of the national movement and found a very strong feeling in the country against the proposal for the participation of the self-governing dominions in the governance of India. New absorbing political problems presented themselves to his mind and he seemed to have felt little hesitation, as the result of actual experience, in coming to a conclusion that the problem before England and the colonies was not so much as how to govern India, as how to make it fit to govern itself by the granting of constitutional rights of self-government. He appears to have realised that in the interests of India no less than those of the Empire as a whole, self-government must be the goal of British policy with regard to this country. How to achieve it gradually and cautiously without a violent rupture with the existing conditions, and in a manner calculated to secure the progressive political education of the people, necessary for the discharge of increasing responsibility, was the problem which he felt called upon to solve. He set about the business with all the earnestness of his nature, and aided by his varied experience and his disinterested love for tackling with difficult constitutional problems, he evolved a scheme which he has been supporting with a wealth of forcible argument and wise observations, which bear testimony not only to his transparent honesty of purpose and indefatigable industry, but also to his ability as a political theorist of a high order. In his latest productions in support of his scheme entitled 'Letters to the people of India on Responsible Government', he had presented the case in support of his scheme with consummate ability and whether one agrees with all his arguments and conclusions or not, one cannot help admiring the grasp of principles evinced therein, and the force, frankness and lucidity with which they are expressed. Only recently I quoted certain impressive observations of

Mr. Curtis from the book in unsparing condemnation of the principle of communal representation. But it contains a number of similar refreshing remarks in reply to several criticisms offered to his scheme, more especially as it has been embodied with some modification in the so-called joint Indo-European scheme, which I discussed some time ago. Most of the Anglo-foreign papers have condemned the scheme wholesale, root and branch. The Indian papers have mostly confined their attacks to the details of it, though some have expressed disagreement with the principle of what Mr. Curtis calls diarchy, or a dual system of government, one responsible to an electorate with respect to certain transferred departments of administration, and another retaining its present constitution and exercising control, subject to the authority of the Government of India and the Secretary of State, over the reserved or non-transferred departments. Mr. Curtis has taken great pains to establish that his scheme is fully in consonance with the announcement of August 20th 1917, for it provides for the grant of responsible government by stages. To those Europeans who may be inclined to think that by their opposition to the announcement, they will be able to bring about its annulment or modification, Mr. Curtis says :—

‘ You at least know the value of British prestige, which rests simply on India's faith in two Saxon words, ‘ Yea ’ and ‘ Nay ’. In the end England will be judged in India by what England herself does or leaves undone. But at any given moment the people of England largely stand to be judged by their fellow-countrymen who are face with face to Indians themselves. The men who return from the trenches will, I believe, see that this promise is kept. Let their countrymen here think twice before assuming positions which must lead Indians to think that Englishmen at home may be made to play false and loose with their pledges. Those pledges are given to you no less than to Indians, and they also will be making a vast mistake, if they dream that after the war England can be brought to change or go back on the phrase or word of this solemn pronouncement ’.

He further tells them :—

‘ India is not Morocco, nor the Argentine, nor Korea, but an integral part of the British Commonwealth, and the time is passed when Englishmen here could confine themselves to business as though public questions in India could be settled on none but official advice. And therefore the time is passed when the European Association could stand only for securing the privilege of Europeans in India ’.

We have often been told by our well-meaning friends that the first need of India is the extension of education. Political power should only be given when there is a sufficiently large educated and intelligent electorate. Mr. Curtis’s reply to the contention deserves to be quoted :—

‘ Let us now turn to the essential question, the development of electorates, and see what answers have been given to it. One answer commonly given is that no political responsibility can be given to electorates, until education is far more advanced and more widely spread than it now is. Implicit in this answer is the presumption that the future electors can be educated to a sense of political responsibility in schools and colleges. My answer is that if you were to cover India with schools and colleges until you had multiplied the educated classes ten-fold, without at the same time giving them any instalment of genuine political responsibility, you would have rendered India ungovernable under any system. This I believe is exactly what has happened in Russia. There, public responsibility was limited to Municipal and District Board. In the Imperial and Provincial Governments, the educated classes were confined to criticising the executive, over whom they had no control. In the political sphere they were left without responsibility for seeing that the Government was carried on. The natural result is that they have been able to destroy government, but have proved utterly incapable of evolving any government of their own, which they could bring themselves, let alone the illiterate majority, to obey.... May the wisdom of her rulers deliver India from a like fate.... The truth is that

schools and colleges do no more than to teach people how to learn. They can impart knowledge but wisdom can only be learned in the school for responsibility '.

The European community in India, with its paternal interest in the well-being of the masses and its altruistic regard for the future of the country has been advising the government to begin the political education of the people from the lowest rung, from panchayats and rural boards. Here is Mr. Curtis's reply to those people :—

' The idea that electorates can be trained for, the discharge of political functions in the narrow sphere of district, village and town administration, is in my judgment a pure illusion....Like the liver in the human body, local authorities are the last satisfactory organs in the body politic. The details with which they deal do not, unhappily, attract and evoke the best talent, either in administrations, or electorates....It is also notorious that in all countries a lamentably small proportion of electors record their votes at the poll. I have seen the condition of local bodies in India adduced as conclusive proof of the inherent unfitness of Indians for any form of responsible government. Well, all I can say is that, if a political student were to test the capacity of Americans for self-government simply by a study of their local and Municipal body, he would infallibly come to the conclusion that here was a people incapable of self-government '.

Continuing he observes :—' You will not evoke or develop whatever latent capacity for self-government there is in India, until you have imposed on electorates the burden of deciding such issues as are now decided, and can only be decided by provincial governments '. Indians have often been told that they must first purge the evils of caste &c., from their social system before demanding self-government. The following is the answer of Mr. Curtis to the Anglo-Indian mentors :—

' Let Englishmen ask themselves what great social reform could have passed in their own country, subject to the

condition that its promoters must, in some undefined way, show an over-whelming majority in favour of the measure before the government would permit it to pass'.

Referring to the attitude taken up by the Government towards Mr. Basu's bill for legalising inter-caste marriages, without the necessity of repudiating one's religion, Mr. Curtis observes :—

' A more flagrant interference with the liberty of conscience it is difficult to conceive....An over-whelming majority of Hindus must be shown to have consented, before two of them may contract a civil marriage without first renouncing their religion. What business has government to enforce the ordinance of the church against the enjoyment of civil rights, and those of the most elementary kind? It is for a religion to enforce its own ordinances by its own sanctions, which in India are of the most powerful kind.... The attitude of government on these subjects confronts social reformers with obstacles which are hardbreaking'. His condemnation of the constitution of district boards is no less outspoken. He says :—

' Educated Indians are accused of seeking an oligarchy under the guise of self-government. Here, in a law made by ourselves, the image of oligarchy was stamped on the system. This iron limitation is enough to show how little the fundamental problem of developing electorates figured in the minds of those who elaborated this travesty of an electoral system .

We have made a sufficient number of extracts to show that Mr. Curtis had approached the questions of constitutional reform with an open mind and without any of those ingrained prejudices which unfit the average European in this country to give dispassionate consideration to Indian political problems. But he has not confined himself to replying to the European critics of his scheme, but has also attempted to show that the Congress-League scheme would lead India to the very brink of a precipice, though he admits that it is the logical outcome of the Minto-Morley



reforms. This was necessary for him before he could establish the soundness of his own scheme. We propose to deal with Mr. Curtis's observations on the Congress-League scheme in a subsequent issue of our paper.

The main objection of Mr. Curtis to the Congress-League scheme is that it leaves the whole responsibility for government on one set of men, while it transfers power to another set of men. The scheme proceeds, in the words of Mr. Curtis, on the 'principle of strangling the responsible executive by successive twists of the noose placed in the hands of irresponsible electorates'. His contention is that advance along the road of horizontal lines of increasing popular control over the various functions of government, as is proposed by the Congress-League scheme, can only lead to precipice. His position has been summed up in the following words :—

'Under the plan proposed, no elective member of the legislature contracts any responsibility for the maintenance of order. He merely develops into a hostile critic of the Government's endeavours to do so. He is given no chance of demonstrating any capacity to get things done. Popular leaders are brought to the front mainly by ability to harass the government in trying to do them. There is no gradual transfer of responsibility. When public irritation has been raised to boiling point and the final deadlock is reached, the only further concession which remains is to make the executive responsible to, and, therefore removable by, the Legislature. This means the institution of responsible government at one stroke in a community where electors and legislators have been given no previous exercise in political control. The intermediate stage of divided control is so eminently calculated to produce public irritation that it would, in my opinion, be far safer to take this step at the outset.'

These observations would strike one as drawing a fanciful picture of the untoward developments that would occur by introducing reforms on the principle of the Congress-League scheme. The Morley-Minto scheme caused irritation

because the legislative councillors felt that they were powerless and that, however reasonable and fair their proposals might be, they had no means of prevailing over an immobile executive. Under the scheme proposed such an exasperating state of affairs will cease to exist. The existing legislative councils, even when they are shorn of all controlling or directing powers, have shown a remarkable degree of good sense and restraint in dealing with public questions. It is wrong to say that discussions have been carried on in the council chamber to harass the Government. A perusal of the proceedings of the various Councils will show to Mr. Curtis and others that the councillors, in spite of their position of greater freedom and less responsibility and in spite of the irritating consciousness of impotence, which is often rendered acute by the tone and temper of the official replies, rarely, if ever, transgressed the limits of reasonableness. Is it at all probable that with increased responsibilities and powers of an effective nature, the councillors will begin to act in an unreasonable and obstructive spirit? Can this ever be the result of a new order of things in which a humiliating sense of helplessness will not be felt by the popular representatives. The removal of the causes of irritation cannot surely increase friction. It can only exercise the most healthy influence upon the public mind and upon the councils. The councils will realize, when vested with real power, that their position has been changed to one of a partner in the conduct of the business of government. This will have a sobering effect. There is absolutely no ground for assuming that while the councils maintained their sense of reasonableness and compromise in the most trying of circumstances, they will become wild and reckless, bent upon making government impossible when vested with real power. Surely, if they act in this manner they will be proclaiming their own unfitness and injuring the cause of further political progress. This thought by itself will induce a sense of restraint. The Congress-League scheme may not fit in with Mr. Curtis's theory of responsible government elaborated with such lucidity, but it has got the merit of following the

line of constitutional progress laid down in the past, of simplicity and of being of such a nature as to make it enforceable with a little preliminary labour involved in defining and constituting the electorates. Its further recommendation is that it will enable constitutional changes to be introduced in the most economical manner. The scheme of Mr. Curtis labours under many serious practical disadvantages. The line of advance advocated by it is absolutely novel to the people and the officials. It will require an enormous amount of preliminary work before it can be put into operation. In seeking to bifurcate the administrative machinery, it proposes to introduce incalculable complications. It cannot be worked without considerable addition to public expenditure, which will be necessitated by the division of provinces into states, by the creation in each of these of separate ministries with all their official paraphernalia and by the duplication of staff in several cases. Its further drawback, and that also a serious one, is that it will side-track the actual introduction of reforms for a number of years, which will give their opponents the much sought for opportunity of utilizing every means and occasion available of whittling down the actual reforms that may be conceded. Any scheme which involves the maximum expenditure of time and money, and a considerable dislocation of the existing arrangements of the details of administration, cannot surely, on practical grounds, be preferred to a scheme which is at once simple and free from all these drawbacks. So we think that it is not only feasible but eminently desirable that the advance should be made along horizontal instead of vertical lines as proposed by Mr. Curtis: constitutional safeguards can be provided to get over deadlocks.

It is not claimed by Mr. Curtis that there will not be deadlocks or friction under his scheme. 'Friction there will be', he says, 'under this or any other scheme'. But there will be a difference of degree, and he appears to think that under the Congress-League and some other schemes excepting his own it will burst 'into flames'. We have tried

to show that with added responsibilities and power any such eventuality, so far as the elected councillors are concerned, is extremely improbable. But as Mr. Curtis himself observes, 'the sovereign specific for friction is to have some machinery for setting questions. Open questions are open sores'. In this connection it should not be forgotten that the enlarged legislative councils as proposed by the Congress-League scheme, will consist of large heterogeneous elements, and that its practical unity on any question will not be an event of ordinary occurrence. However, when there is such unity, it would be extremely unwise for the executive to reject its decision. But if for some reason the executive is unable to carry it out in entirety, then what would generally happen would be a settlement by compromise. A certain amount of co-operation between the legislature and the executive is always necessary for any government to carry on. The legislatures will have every incentive to offer such co-operation, not only in the interests of the good government of the country, but also for establishing their fitness in the eyes of the British and Indian Governments for the delegation of further powers of self-government. Obstruction is likely to proceed from the officials, as in the past. But Mr. Curtis assures us that it will not. Replying to the contentions of Indian politicians that the I. C. S. will thwart the work of state ministries proposed by him, 'with the deliberate intention of bringing them to naught,' and so seeming to prove their incompetence he says :

"Those who use this argument fail to see that it is fatal to any scheme of reforms. If the assumption they make is correct there is nothing before India but revolution." Believe me, it is not correct. The charges you bring against British officials here, should really be directed against us, the people of England. It is we who have failed since 1858 to revise instructions which have long been obsolete. The members of the service now have their instructions, and will be found loyal to their spirit as to their letter. I venture to predict that as they realise the

**nature of the new enterprise before them, they will come to glory in its pursuit."**

**If this is to be the spirit of the I. C. S., then we see absolutely no reason why the Congress-League scheme should not be as workable as Mr. Curtis's if not more so. If this is not to be the spirit of the I. C. S., then there will be difficulty in working reforms under either of the schemes. But with this important difference. If the powers that may be conceded in accordance with the principles of the Congress-League scheme are found insufficient or ineffectual to promote the interests of the country as desired by the popular representatives, owing to the unreasoning and obstructive attitude of the executive, then the natural and logical remedy will lie in full responsible government. But if responsible government by compartments is introduced as proposed by Mr. Curtis, then the failure of state ministries which may be due entirely to extraneous causes, will re-act on the prospects of the further extension of the popular rights. Mr. Curtis reiterates that the proposed ministries should possess real responsibility. But can these ministries be really separated from the rest of the bureaucratic departments? Mr. Curtis says rightly that all government is one and all its functions are interconnected. If they cannot be separated, the ministries are bound to have very little scope for the free and unhampered discharge of their responsibilities. Their schemes and policies may constantly knock against those of this or that bureaucratic department. The proposed Chief Commissioner is expected to act as an intermediary, a co-ordinating agent between the officers of the popular and the bureaucratic government. There cannot be effective co-ordination without control, and this may be used as much to repress the officers of the one as of the other. The effect of service bias in this connection should not be ignored. The policies of the popular government may be thwarted on the ground that their carrying out will clash with the activities of the other departments, or will be detrimental to the maintenance of law and order. The scheme**

of diarchy propounded by Mr. Curtis thus possesses this inherent defect that the responsible powers of the new ministries will be mostly fictitious, in the best of circumstances. The poor ministries will find themselves between the devil and the deep-sea. While responsible to the electorates in theory, in practice they will have to act as if they were responsible to the Chief Commissioner. It will be a travesty and a simulacrum of responsible government which the new states will get, and however capable the ministers may be, with two masters above and below without the power of constituting their superior services in the manner they like, and with an ever present financial problem, they will find it an extremely difficult, if not an impossible task merely to carry on the administration, to say nothing of effecting improvements. In fact they will be entirely at the mercy of the bureaucratic government which will be able to do little to make a success of the new states, but can do much, even unintentionally, to mar it. Their failure will carry an implication of the unfitness of the people and will strengthen the hands of the bureaucracy. It will retard the granting of responsible government instead of accelerating it. A similar result will not follow if the advance is made along horizontal lines and covers the whole field of governmental activity, instead of being confined to a few onerous departments which cannot be effectually separated from other departments. Under the Congress-League scheme bureaucratic obstruction will, instead of hampering the progress towards self-government, stimulate it, though Mr. Curtis threatens that the contrary will happen. Under the scheme of Mr. Curtis, a similar obstruction insiduously applied, will vitally injure the cause of self-government. Even if it is not there, the success of the responsible state, under the extremely tramping conditions proposed, will at best be problematical, Mr. Curtis argues as if the Civil service officials will act as angels, discarding their human nature. Is it at all impossible or even unlikely that vested interests will ever try to assert themselves and will not subscribe to the gospel of self-effacement? No scheme of self-govern-

ment for India within a reasonably early period can be assumed of success unless it takes into account the obstruction that may be offered, and is likely to be offered, by vested interests. Mr. Curtis' scheme is likely to fail because it disposes of this problem in a very optimistic way. But the people in India are much better judges of the matter from past experience. The officials in India are not political philosophers like Mr. Curtis. If they were, the present situation would not have arisen. We, therefore, see no reason why the straightforward, simple, comparatively economical, practical and promising Congress-League scheme, which in addition proceeds along the familiar lines of constitutional development in the past, should be discarded in favour of Mr. Curtis's novel costly, cumbrous, and halting scheme. We have read Mr. Curtis's book carefully and dispassionately with admiration for the liberal sentiments and highly democratic ideals expressed therein, but we must say that we remain unconvinced that his scheme provides a satisfactory solution of the problems which face India today and which require radical treatment. It is unnecessary to strike off along holy new lines of progress, when the old lines promise a more satisfactory and speedier attainment of the goal. Mr. Curtis observes that 'the foundations of responsible government in India have been firmly laid by predecessors.' Let the walls be raised on these very foundations.

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# **Prize Distribution Ceremony in the Rai Bahadur O. Narayan- swamy Naidu School, in honour of "Durbar Day."**

*( Nagpur, 12th December 1917 ).*

**GENTLEMEN AND BOYS :—**

I have great pleasure in coming here to-day to assist at to-day's ceremony to present the prizes, and there is more than one special reason why I am so pleased. In the first place, this is an unaided institution, independent of Government aid, and I am always glad to encourage such institutions by all means that lie in my power. I am far from depreciating the invaluable service which the British Government has rendered to this country, by disseminating education broadcast amongst the people. It will always be the imperishable glory of Englishmen that they did not hesitate to extend the priceless boon of western education to their Indian fellow-subjects. We, and you boys, who have received and are receiving this boon of education, ought always to be grateful to the enlightened English statesmen through whose influence English education has become firmly established in this country. It was impossible for a beginning to have been made without official assistance.

2. No doubt the most pleasant part of the ceremony of this nature is the prize-giving in honour of the Durbar Day. It is always a pleasure to distribute rewards and, speaking from an experience of bye-gone years, I am quite sure that it is a pleasure to the boys who receive them and not to them only but to their friends in the school who are



glad on account of their school-fellows' success. But this annual ceremony is more than a mere distribution of prizes. We are here not only to distribute prizes to successful students but also to commemorate the founder of this institution and its benefactors. This spirit of commemoration is one which is eminently congenial to the Hindu disposition and character. It is, if I may say so, an instinct in Hinduism to commemorate the past and there is probably no institution in India, certainly not in Nagpur, in which this feeling, this spirit of commemoration can be more appropriately evoked than in the case of the Oriental seminary. When therefore I recall the history of the school I feel that I am discharging an essential duty in commemorating the benevolent and patriotic services of our founder, the lamented Rai Bahadur C. Narayanswamy Naidu who is so deservedly described in the excellent report which has been circulated for this year as "Great benefactor of man". Rai Bahadur C. Narayanswamy Naidu founded this Oriental seminary in 1874 and upto the time of his death was the life and soul of this institution. Then I think that among our patrons we ought most cordially commemorate Mr. C. V. Naidu who was the president of this institution from the time of the death of his father in 1896 till the year 1914. Our late president besides having been a liberal subscriber to the school was indefatigable in supporting it by every means in his power. There is this to be said of this seminary that it has included in the roll of its students many distinguished names. All schools are proud of the eminent men who have been educated in them.

3. I am glad to have heard it said, and to have observed it my-self that there is a greater sense of public spirit among the Hindu youth than was formerly the case. The sense of self-respect which accompanies the sense of independence is spreading in India and I venture to hope that it will spread with even greater rapidity. I hope that some of you, boys, who are now being educated at this oriental seminary will have opportunities for distinguishing

yourselves in the public service in a higher sphere than was open to your predecessors. At the same time, while I hope for you that brighter and wider career, I sincerely trust that the influences to which you are subject will not draw you away from those important convictions in which your fathers and grand-fathers were brought up. I trust that nothing will ever weaken that sentiment of respect and reverence which you feel, and rightly feel towards your friends and those who are placed in authority over you, and specially towards the great men who have passed away. The religious sentiment which is known in our country as Bhakti is one of those important considerations without which no country can ever become truly great and no real self-respect is possible. I think meanly of those who in their enthusiastic admiration of the present neglect to pay their due tribute to the glories of the past. I trust therefore that while a spirit of independence is slowly growing among you, the higher sentiments of faith, devotion and reverence may not be weakened by anything which the education you are receiving at this seminary or may receive elsewhere has a tendency to impart. Whatever you may do, whatever your employment in life may be, do not forget to cherish those high instincts of reverence, obedience and duty which are the most important virtues to which the youth of this country can aspire.

4. The great problem for solution before you all is the grafting of western idea on to an oriental stock. This problem I now see is being successfully attempted. It is not soluble by Government; it is soluble by you the teachers of this or that institution who, endowed with the best knowledge of western civilization, can impart, have at the same time not lost sight of the traditions of our own part. The establishment of schools and the success they have gained, affords much ground for hopeful satisfaction. My boys, let the name of Rai Bahadur C. Narayanswamy Naldu be a beacon and support to you throughout your lives. Many of you have doubtless a hard and trying career before you. But do not lose heart if you seem to fail: be

**persistent : be resolute : hold fast by your enthusiasm. Remember that no great work can be done in this world without earnestness and enthusiasm. Be earnest, therefore, in all that you do, and all that you may attempt. You will often be disappointed : you will perhaps see inferior men pass by you in the struggle of life : but if you preserve your earnestness and enthusiasm you will not be down cast ; eventually you will succeed.**

**" Work, for the night is coming,  
Work, thro' the morning hours,  
Work, while the dew is sparkling.  
Work, 'mid springing flowers ;  
Work, when the day grows brighter,  
Work, in the glowing sun ;  
Work, for the night is coming,  
When man's work is done."**

5. There is another word I wish to say to you on this occasion. It is a subject which was admirably discussed by many eminent men of culture. The substance of that exhortation was that you should honour and cultivate the sense of your own self-respect. It is with unfeigned pleasure that I observe that one result of the introduction of western ideas and of English education has been to encourage a growth of independence and self-respect among the youthful and rising generation. A spirit of independence must not be allowed to degenerate into lawlessness and license. The Indian races are pre-eminent for their grateful, reverential, and religious instincts ; these are Oriental virtues which you must allow nothing to obliterate ; at the same time, undismayed by hostile criticism, you must foster self-respect, self-control, and all those emphatically Oriental virtues.

6. Now as regards those of you who have been more fortunate, who have obtained prizes today, I hope your present success will only be an incentive to further and greater efforts in the future. Remember always the moral of the well-known fable of the hare and the tortoise.

Whatever your abilities may be, however brilliant your posts, those qualities alone can never ensure success, whether in or out of school, unless you join to them great industry and perseverance. I shall not detain you much longer from receiving the congratulations of your parents and friends which so much heighten and enhance one's pleasure on these occasions. Your success has been honourably won, and no one will grudge your triumph; not even I hope, your less successful rivals and competitors. Those of us who are older than you can assure you that whatever successes, whatever laurels may yet be in store for you, there is no triumph which may be achieved in after-life that has the power to give you a hundredth part of the gratification which in boy-hood one derives from these successes at school.

7. In conclusion, I desire to say to the teachers of this institution that they and everybody else who may be similarly engaged elsewhere, are doing a great and holy work. The boys of today will be the nation of to-morrow; so that you have in your hands the moulding of the future destinies of this country. And if the rising generation are to surpass us, as I hope and believe they will surpass us in patriotism, in public spirit and in social and material progress, it will be owing mainly to the instruction which you are now imparting to them and to the principles which you are seeking to instill into their minds.

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# **Amendment of Indian Railway Act of 1890.**

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With reference to your letter No. 7 dated the 5th instant, I beg to make the following observations on the subject of the amendment of the Indian Railways Act of 1890 :—

(1) The New Indian Railway Act shall find place (1) for the development of trade and commerce on natural lines instead of the present artificial diversion by means for block rates, (2) the growth and development of industries especially in the interests of this country, (3) the promotion of interprovincial trade, (4) the centralisation of control in a single state Department located in India and amenable to Indian public opinion instead of to Boards of Directors in London, (5) the utilisation of the entire rolling stock as one system, (6) improvement of rates and fares of goods and third class passengers and (7) impartial treatment in the supply of wagons to British and Indian firms alike and the discontinuance of the practice of giving undue preference to certain British firms leaving entirely out of consideration the question of non-British firms as they should not be placed on equal footings with British subjects.

(2) The chronic over-crowding of third class passengers in the trains still continues. The condition of the Indian third class passengers from the moment of their attempt to purchase tickets upto the time they alight somewhere and hand over their tickets is very miserable. The manner in which tickets are issued to them in almost all the stations is pitiable in the extreme. Tickets are issued only a few minutes before the arrival and departure of trains. At present the interests of passengers are not much cared for. The third class rates are to be lowered. It must

be brought down to  $1\frac{1}{2}$  pies per mile through-out. On every railway the rates should be made uniform and reasonably low.

(3) There are differences in rates of goods that cannot be justified for a moment ; there is an absence of the right principle in fixing them. Rates for raw exports are more favourable than rates for finished articles ; rates for foreign imports are more favourable than rates for indigenous articles and for interprovincial trade.

(4) Another aspect is that rates fixed hitherto were often influenced by rival doctrines and rival policies between Chambers of Commerce in India. My belief is that Indian Railway management has not yet been affected by general public opinion at all ; but to a very limited extent only by Chambers of Commerce. In Prussia and some other places they have advisory boards to work along with the Minister for Railways, representing every industry. These representatives form together advisory boards and in consultation with these advisory boards the Minister of Railways works with the latest and freshest ideas, ever in public interests and the result has been stated to be in the highest degree satisfactory.

(5) If a railway company declines to quote a lower rate for the carriage of any goods, the Railway Board has absolutely no power to interfere, even though such a rate might, in the opinion of the Railway Board, be considered necessary. So long as the rates are quoted within the maximum and the minimum limits fixed by the Government, the Railway Companies can practically do what they like, but there is no appeal against the judgment of the Railway Administration and it cannot be said that their judgment is always infallible. This position is not very satisfactory either from the point of view of the Indian Government or of the public. In England, in America and in the Argentine Republic, Railway Companies, owned entirely by private enterprise and receiving no financial assistance

from the Government are subject to control in the matter of railway regulations and rates. It is rather strange that the Government has no control in the matter of rates, on which depends a great deal of the revenue, at least on its judicial manipulation. It is true that the maximum and the minimum rate limits have been laid down, but there is a very wide play between these limits. The modification of the Indian Railways' Act for the appointment of a permanent commission to hear complaints from the public is suggested; as the Railway Act stands at present, the Government have absolutely no powers to order the abolition, modification or introduction of a rate, even, though it may be found that a rate is really creating undue preference or is prejudicing a trade, or that a low rate is necessary to develop traffic which is not moving, or has not been created because of the absence of an encouraging rate. The modification of the Act is only necessary to give the Government powers which they will exercise with discretion and in real cases where there are reasonable grounds for complaints.

- ( 6 ) One of the pressing reforms needed in the law relating to Railways in India was to insure a more considerable and sympathetic treatment and better convenience of Indian passengers in the lowest class of carriages. Overcrowding and want of closest accommodation especially for women, have formed subjects of constant complaints on almost all the lines. The invariable observance and effectual prevention of infringement of these rules must still depend, almost entirely, upon the degree of efficiency of inspection of the passenger traffic at all stations. No failure on the part of the station authorities is more frequent than that of the performance of this part of their duty of firmly preventing over-crowding of the lowest class of carriages. It is not easy for the higher railway authorities to exercise effectual control in all matters over their subordinate establishments, which are scattered over vast areas along the lines, without some extraneous aid from Government and the public. In addition to a system of

constant inspection by responsible officers, a complaint book should be made available at each station, in which any public-spirited passenger, seeing these rules infringed, may be able to note down the fact with sufficient clearness so as to facilitate further inquiry, stating the steps he took to bring the same to the notice of the station authorities concerned. It is to be hoped that with this new specific law on the subject, and with the adoption of means necessary for its due observance, we may hear less frequently of its infringement with impunity.

( 7 ) In my opinion the existence of Railway Board is like a fifth wheel in the carriage. This Board has not curtailed the working expenses of Indian Railways. It is merely an expensive department. It should be abolished and its work should fall upon the member of the Commerce and Industry department, as before. This will avoid a considerable waste of public money.

( 8 ) The duties of Railway Administrations are found in sections 42 and 44 of the present Act. It is provided by section 26 of the present Act that a Railway Commission can only be appointed by the Governor General in Council, by section 27 and 28 the Commissioners shall take cognizance of such cases only as are referred to them by the Governor General in Council, and by section 41 that the Commissioners alone shall have the power of enforcing the duties and obligations imposed by Chapter V on railway administrations. With regard to the constitution of this Railway Commission, I beg to suggest that the appointment of this Commission is very costly and poor merchants' grievances cannot be redressed if such costly tribunals are constituted. My suggestion therefore is that ordinary civil courts may be invested to hear these complaints and pass such orders as they think fit. Now, without any reflection on the administration of railways in India in the past, I trust, I may be permitted to say that there has been a feeling on the part of the public that they were at least open to arbitrary treatment in some of these respects at the hands of the Railway

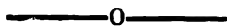


authorities, and that practically there existed no court of Appeal or means of redress. The option of resorting to the ordinary Civil Courts will afford a ready and, in my opinion practicable means of redress for any real or imaginary grievance, and will instil a confidence in fair and just treatment which will be distinctly beneficial to the interests of trade and commerce.

These are the provisions, which, I think, must find a place in the new Railway Act which the Government of India contemplate to amend in the near future.

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# Self-Government for India I.



*(Appeared in December, Poona Sarvajanic Sabha Journal.)*



No one is more fit than the present younger generation to mould the future of India and the enthusiasm of the younger generation will have to be guided by the experience and wisdom of the older generation. The thought of the young of today will be a reality to-morrow and in order that the future may be bright and prosperous the thought of to-day must be clear and perfect.

What then are the views and aspirations of the younger generation? Born subjects of the British Empire, born of parents who from their very birth were British subjects, young India looks forward to the time when it will enjoy all the privileges which are the birth-rights of all British-born subjects. No one appreciates more than young India does, the benefits conferred on this land and its people by the British. Nay, young India honestly believes that it was the Divine Providence that considered England the fittest to rule over the destinies of the great people of this ancient land, when most of the European powers were engaged in the hard struggle for the conquest of India. Having drunk from the fountain of western Education, having imbibed the ideas of British justice and British liberty, young India stands to-day to demand that which Britain has taught it to demand as a right, full of confidence that the justice loving, honour loving, liberty loving British Nation will never fail to justify the trust that the providence has placed in her.

India's behaviour, ever since the breaking out of the war, the readiness with which she responded to the call of contributing towards the war fund, the willingness with which her

brave soldiers consented to go to the foreign land to fight and die for the Empire, the eagerness of the younger generation to be given the privilege of fighting and shedding their blood along with the best of England's men, which alas, has been refused to it, thanks to the Arms-Act-all these have for ever removed the misapprehensions and false suspicions about India's loyalty to the British Throne. England will now begin to understand that at the root of all India's complaints as presented by the people of India lies not the condemnation of the principle of British rule, but at the root of all the complaints lies the violation of that principle, sacred as it is, at the hands of a few of those officials who are sent over here to fill important posts. It is for the maintenance of the principles of justice, liberty, and honour that England has plunged in this deadly war, and has called upon India to assist her. Will not England look with the same conscience on India? She must undoubtedly if she were to listen to the advice of one of her greatest statesmen, Lord Morley who says, "It will be a bad day indeed if we have one conscience for the mother country and another for all that vast territory over which your eye does not extend". And if England looks with the same conscience, she will see that young India demands nothing more nor less than equal rights of free citizenship within the Empire, and in order that this may be effectively brought about she demands the rule of her people by the people themselves, for has not Sir Henry Campbell Bannerman said, "Good Government could never be a substitute for Government by the people themselves".

We with our ancient civilization, we with our knowledge, our philosophy, our drama, and our literature, with the splendid heroism of the warriors of the past as well as the deep thought of philosophical insight, I say there is no civilisation in the world so many sided as the ancient civilisation of India, so fitting the nation for self-government. On one side sublime in spirituality, and on the other mighty in the intellectual achievement of philosophy, and on the third trained in emotion as no other nation has been trained, by the

practice of endurance of suffering, as well as by the warmth of love that flows out from the Indian heart. Where will the Englishmen find a civilisation worthy of freedom, if India be not worthy to be free? It is not as though it were a new nation, a young nation, a mushroom nation like the Boers in South Africa. If they, having fought against England, were worthy of self-Government, shall not we, who are fighting beside her, claim self-government? Self-Government is our Goal, and is there any one, as an Australian paper said, who will say "Nay" to India when she asks for what is her right? It is not a prayer for political largess as one of the English papers said, it is not a gift of charity; it is a human right that India is asking, that India claims. Truly a dream: All ideals are dreams. But Mazzini dreamt a united Italy, and a united Italy was born. A German poet sang a united Germany and German unity came forth into the world. Indian hearts are the places where dreams are gradually materialising, and asking them to come out into the world. They must come, for there is no power on Earth that can stop a nation determined to win its birth-right of freedom, and win it by a constitutional and law abiding means. Revolutions can be broken; armed forces can be crushed; but to grow into liberty by law and order—that is the triumph of the English ideal of liberty, and that is the ideal that has been planted by the study of the English history in the minds of the Indian people. In this country we read Milton, we read Milton's appeal to liberty, we have read many other poets, and we have read such a philosopher as Mill, and we know that human nature can not blossom into the fullness of manhood so long as it is tied and cramped by enactments which forbid its free expression. We ask liberty for India, not for India's sake only, but for the world at large, for India has an ideal quite different from that of the West, and the East must have its own ideal realised in order that the circle of human perfection may be more complete.

Our loyalty is based upon the highest consideration of our self-esteem, self-interest, and—where self-interest is concerned—our motives ought to be above suspicion. I will

address my appeal to England from the point of view of her own self-interest. I hope that, at the conclusion of the war, England will realise that it is a matter of the utmost importance to her that India is in the position of becoming a grand pillar of strength to her. She will, I trust, appreciate the idea, with a strong and contented India, it will be possible for her to face the most formidable climacteric which may possibly arise. It was Bentham who so well put it that, if you want to win mankind, the best way is to make them think that you love them; and the best way to make them think that you love them is to love them in reality. If England cares for the love of India, she will get it the moment that she makes up her mind to love India, and to love India implies the redemption of her rights for getting Self-Government within the Empire.

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## Self-Government for India II.

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*(Appeared in December, Poona Sarvajani Sabha Journal.)*

We cannot escape the influences of our tradition or environment. In declining to accede to the grant of further powers to the English in India, Sir Charles Wood in 1861 quoted with approval the words of a well-known philosopher and statesman :—" Armed with the prestige of the ruling nation they have the feelings inspired by absolute power without the sense of responsibility ". What Mill said then still holds good today, for the system of Government is the same, though happier influences have come into play. But the fact remains that the only responsibility which could act and has acted as a check on the Civil Service of India was its self-imposed sense of duty : It is a great check no doubt, but not sufficient when a struggle comes between pre-conceived ideas and rigid traditions of power and efficiency on the one hand, and the nascent growth of popular aspirations on the other. Viceroys and Governors may come and go, but the great service remains, dominating the life of the people and practically free from all responsibility except what it owes to itself. They form the Executive Council of the Viceroy, with the exception of one solitary dumb Indian member of recent origin. They also form the Council of the Secretary of State with the addition of two Indian members. They thus constitute a Court of Appeal over themselves. They furnish rulers to six provincial Governments out of nine. The great departments of State including education are under their control and the inspiration and the motive power of Government comes from them. Influence, patronage, authority, power, dominion, the Government itself, are all in their hands ; and they would be more than human if they did not desire to maintain their position, if from no other motive than at least from a laudable ambition of handing on their heritage unimpaired to

their successors, and an honest belief that the service as constituted was essential for the good of India.

2. Now the question is what India wants. Against this state of things we have a people rapidly awakening to self-consciousness; thousands of our boys are receiving education on Western lines in Indian Universities based on Western models; hundreds of them are daily flocking to the universities of Europe, America and Japan and on their return spread the knowledge that they have acquired. You may chain Prometheus, but the fire is lighted and cannot be extinguished. India wants a higher life, a wider sphere of activity and usefulness. India wants that her Government should be consistent with her growing self-respect and intellectuality. India wants that the presumption which has all along existed, and which the Board of Directors in 1833 made a vain attempt to dispel, namely, that the Indians can only rise to a certain limit, should be removed from the precincts of her Court, as it has been from the Statute Book, and the door to her services should not be closed by artificial barriers against her own sons. India wants that her children should have the same rights of equal citizenship as other members of the Empire. India wants the removal of vexatious hinderances on the liberty of speech and freedom of the press. And, above all, India wants that her Government should be an autonomous Government under the British Empire. Then only the great benefits, which have emanated from British rule and which carry with them the memory of doles, will be sweetened with the sweat of her brow.

3. The ideal that we must pursue is that of co-ordination and comradeship, of joint partnership on equal terms. I do not say that it must materialise today, but I do say that every step that we take, or ask the Government to take, must point in that direction and we must reach the goal of self-government by rapid steps within the course of a decade. From the very extent of India and the diversity of her population, we must have a system of Government

modelled on the lines of the Commonwealth of Australia, or the United States of America, modified according to Indian conditions and presided over by a representative of our Sovereign. In this constitution all we find a place, the Englishman as well as the Indian, the prince as well as the peasant, and all communities, by a judicious combination of methods of election.

4. It is a reasonable proposition that the sense of responsibility, required for the proper exercise of the political institutions of the West, can be acquired by orientals through practical training and experiment only. To admit this is not to express any agreement with those who usually oppose all attempts at reform on the plea that the people are not ready for it. "It is liberty alone", said Mr. Gladstone in words of profound wisdom, "which fits men for liberty. This proposition, like every other in politics, has its bounds, but it is far safer than the counter doctrine, wait till they are fit". The best training grounds for self-government are therefore the institutions of Self-government and I should again quote the authority of Mr. Gladstone for it "Free institutions, alone qualify a people for Self-Government. If you deny the people free institutions, you take away from them the most useful academies for training in self-government". Self-government is the order of nature and the will of Divine Providence. Every nation must be the arbiter of its own destinies such is the omnipotent fact inscribed by Nature with her own hands and in her own eternal Book. But do we govern ourselves? The answer is no. Are we then living in an unnatural state? Yes, in the same state in which the patient lives under the ministrations of the physician. We have passed through a period of probation and a period of trial under the auspices of one of the most freedom-loving nations in the world. And we claim that the period of probation may now fairly terminate, that the leading-strings may be taken off, and the child having emerged into the dawn of mature manhood may at any rate be entrusted with the management of his own affairs. If it were otherwise,



the circumstance would imply the gravest slur upon the character of British rule in India ; for it would mean that after one century of British rule and English education, we are still unfit to appreciate the principles and to practice the art of self-government. But I have no fears on this score. In our province, local self-government has been remarkably successful. We have it on the highest authority ; for no less a personage than Lord Hardinge has declared that in every province of India local self-government has on the whole been a success. It would indeed be a marvel if it were otherwise. Our Panchayat system is as old as the sun and the moon and the stars and the hills and is graven on the hearts and the instincts of the people. Self-government is therefore nothing new to the habits or the ways of thought of the people of India.

5. From time immemorial India's progress has been inward and not outward as that of the world's other nations. Long before the first stone of the first pyramid was laid in Egypt, long before the world's other nations began to learn the A.B.C. of civilization, long before the civilised Roman Empire was brought into existence by its hardy pioneers, long, long before the first page of the world's History was written ? We Aryans enjoyed the height of civilization which is unparalleled on the face of this universe. By our side Nations rose and fell ; by our side earthly vanity road on its pompous horse ; by our side revolutions and resurrections took place ; by our side kingdoms formed and dissolved ; by our side the world's manners and customs changed in all possible ways. We Aryans, who have settled down here in India, are still the same as what we were in times of yore. Why ? What is the secret of this ? It is because the other nations elsewhere went blindly with their materialistic progress all round, we Indian Aryans always thought of our own selves and went on with the progress of spiritual growth. We had religion foremost in our minds, and whatever we did was built upon the solid foundation of our infallible religion. Hence, we stand here today, just as we stood thousands of years before.

6. But still a sort of amazing interrogation may creep out in the air ; " Why then all this cry for self-government and the like ? " Certainly, the amazed are right in putting this question. It seems to them that for the calm and always quiet Indians to clamour like this, all on a sudden, means, that they are really trying to bring about a change in themselves. But still there are some among us who dare to assert that this is only superficial change. They dare to establish that this is not a cry for change, but a cry for self-defence. We ask for self-government, not to conquer the world with a Germanic ambition, but to protect ourselves from disappearing into the air. From time immemorial we Indians are a free nation. We never in our lives thought of subjecting under us another nation ; nor do we think of it now, nor will we think of it hereafter. All we want is to ease ourselves from the burden of another nation, which we are carrying on our head. We want in our land the ancient panchayat system. We want in our land full liberty of speech and action for every man. We want in our land laws and regulations agreeable to the whole population. We want in our land to make the executive subordinate to the legislative. We want in our land the separation of Executive and Judicial functions now vested in one person. We want in our land the expenditure of all our riches among ourselves. In short we want to live, live like a real nation, like the way which we think to be the best fitted for us all. Thus we ask for self-government, not to bring about some change ; not to live a changed life. but to keep up our ancient life, to continue our ancient life in our ancient way. India ruled herself in ancient days according to her own manners and customs, India wants to rule herself today to preserve her ancient traditions. India cries not for change but for the stability of her ancient traditions. India of to-day cries for a tomorrow when she can live like the India of yesterday.

7. India's cry for self-government is a thoroughly religious cry. It has religion for its foundation and not the materialistic thought of the mis-guided West for world-Domination. India for ever the same.

8. Why should India resent to bureaucratic Government? Her Government has always been that of one man's sway whether she was an Empire or broken into states of varying dimensions. Why should she object to the Government of an outside bureaucracy? My answer is: the days of the lotus-eater are gone, the world is swinging onward on the up-lifting ropes of time, and in Europe, the war of nations, now in progress, will knock off the last weights of mediaeval domination of one man over many, of one race over another; it is not possible to roll back the tide of wider life which is flowing like the warm gulf stream through the gateways of the west into the still waters of the East. You may abolish the study of English history and draw a sponge over all its enthralling story of freedom; you may bar Milton and Burke, Mill and Spencer; you may bend the Indian universities to your will if you like, fetter their feet with obstructive statutes, but you cannot bar the imponderable influences of an expanding world. If English rule in India meant perpetual domination and perpetual tutelage, an increasing dead-weight on the soul of India, it would be a curse to civilization and a blot on humanity. As Lord Morley truly and with deep insight says "Political principles are, after all, the root of our National greatness, strength and hope; and his other important utterances which I repeat with this one sums up the whole position of the Indian problem." He says "the meddling wrongly with economic things that is going to the very life, to the very heart, to the very core of our national existence". This meddling wrongly with economic things is the whole evil from which India suffers—and the only remedy for it is—"political principles are after all the root of our national greatness, strength and hope". And these political principles are summed up in self-government. Self-government is the only and chief remedy. In self-government lies our hope, strength and greatness.

9. Let us together lift our eyes to the Pole-star by which we steer our bark, the pole-star of self-government. No self-respecting, honourable man can remain content to

live in his own country as an alien, shut out from the higher reaches of its public life, denied the common rights of citizenship, holding life, liberty and property at the will of officials, not by the judgment of the law. To be content with such a state of things would be to be less than a civilized human being, would be to prove himself to be a barbarian rather than a man. To live without freedom is to die daily ; it is not life, but a living death. By all the memories of our mighty past ; by all the fame of our glorious dead, by all the hopes of our splendid future ; for the sake of the generations of the yet unborn, who shall bless us as the builders of a free nation, or curse us as the traitors who wielded more strongly the fetters on her limbs ; let us therefore consecrate ourselves to the service of the Mother land.

10. Now is our time ; we must throw away our lethargy ; let us bind our waist-cloth on and head forward to our goal : and that goal is not unworthy of our highest aspirations : it has satisfied the dignity and self-esteem of the French in Canada ; and of the Boer in South Africa who to-day are the staunchest supporters of England and when it comes to us, as I am sure it soon will, it will strengthen and not weaken the bonds that unite England and India. To the spiritual framework of the East has come the inspiration of the West. Let us combine the patience of the East with the energy of the West and we shall not fail. We are better situated to-day than Italy and Japan was in 1860. We are beginning to feel the strength and growing solidarity of the people of India. India has realised that she must be a vital and equal part of the Empire and she has worthily seized her great opportunity. In the melting pot of destiny, race, creed, and colour have disappeared. If India has realised this, so has England. Through the mouth of the Prime Minister, Mr. Asquith, the English people have said to us : " We welcome with appreciation and affection your proffered aid, and in an Empire which knows no distinction of race or class, where all alike are subjects of the King-Emperor and are joint and equal custodians of our common

interest and futures, we here hail with profound heartfelt gratitude your association side by side and shoulder to shoulder with the Home and Dominion troops under a flag which has a symbol to all of a unity that a world in arms cannot discover or dissolve".

11. It is no use looking backward, no use in vain regrets. Let us be ready for the future and I visualize it. I see my country occupying an honoured and proud place in the comity of nations. I see her sons sitting in the Councils of our great Empire, conscious of their strength and bearing its burden on their shoulders as valued and trusted comrades and friends, and I see India rejuvenated and reincarnate in the glories of the future broadened by the halo of the past. What does it matter if a solitary raven croak, from the sand banks of Jamuna and the Ganges? I hear it not, my ears are filled with music of the mighty rivers, flowing into the sea scattering the message of the future. Let us live as the ancients lived in the purity of heart so that the message may be fulfilled; let us forget the narrow barriers of man's creation; let us be humble and forget the pride of self; let us step across the barriers of prejudice; let us always be with our hand on the plough, preparing the soil for the harvest of the future; let our heart-strings be attuned to God and Country and then no power on earth can resist the realisation of that message, the fulfilment of Destiny that is ours. And assembled in the tabernacle of the people, let us pray to Him. Who knoweth all hearts, to grant us grace and strength that we may deserve and bear this future and this destiny.

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## The Bureaucracy and the Mesopotamian Muddle.

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The Mesopotamian muddle has convinced the British public that the Bureaucracy in India is inefficient and out of date. If it managed its external affairs, in the way that they have been managed in Mesopotamia, how about its control and direction of our internal affairs? This view must occur to every unprejudiced Englishman; and that was the gist of a question put to our London correspondent by a home-staying Englishman. That indeed is the view of a responsible member of the Mesopotamian Commission. This is what Commander Wedgwood says in his note of dissent:—

“In one of the papers put before us by the Indian Government, in order to justify the contrast between the attitude of India and the attitude of the Self-governing Dominions, they write as follows:—“The self-governing dominions deny to India the full privileges of citizenship. India again, though not of her own volition, is practically a free market for the trade of the Empire, whereas the Colonies impose upon her trade a heavy handcuff in the shape of protective tariffs; and are at liberty as it would be urged, of equip themselves for an increased outlet on Imperial defence by methods from which India is debarred.”

My last recommendation is that we should no longer deny to Indians “the full privileges of citizenship,” but should allow them a large share in the Government of their own country and in the Control of that Bureaucracy which in this war, uncontrolled by public opinion, has failed to rise to British standards. Lord Kitchner said that it would be better to lose India than to lose the war. It would certainly be better to lose India than to lose that for which we are fighting the war—the glorious traditions of a people old in liberty.”

"We are denied the privileges of citizenship," says the Government of India, "by the self-governing dominions." Has the Government of India given us the full rights of citizenship? What is the citizenship worth, even when the right of public meeting is curtailed? However that may be, what is Commander Wedgwood's recommendation based upon this observation? He says "My last recommendation is that we should no longer deny the privileges of citizenship," but should allow the people of India "a large share in the Government of their own country and the control of the Bureaucracy". And what is the ground for this recommendation? It is that the Bureaucracy uncontrolled by public opinion has failed to rise to British standards. The ground of the recommendation is, therefore, the inefficiency of the Bureaucracy; and its inefficiency is due to the absence of popular control. That is indeed the Indian view which we and our Indian contemporaries have again and again put forward. Irresponsible power is demoralising to those who wield it, and except in rare cases when the despotic ruler is an Akbar or an Asoka, is apt to become inefficient and out of date. "It would be better to lose India" says Mr. Wedgwood "than to lose that for which we are fighting the glorious traditions of a people old in liberty." There is some risk of this grave danger regard being had to the utterances of Indian rulers like Lord Pentland, and Sir Michael O'Dwyer, and it is for the British democracy to uphold and vindicate their great traditions of liberty. It is remarkable that while in England, the angle of vision in regard to Indian affairs is rapidly changing for the better, the official out-look here is almost in the same proportion changing for the worst. The Bureaucracy is tightening its grip upon power, when that power is about to slip away from their grasp. It is natural, but unwise.

With reference to the admission of Indians to the commissioned ranks in the army, Mr. Wedgwood makes some pertinent observation. He says:—

"Although they were very short or officers in the Indian regiments, executive Commissions were still, as before the

war, withheld from the natives of India. Indeed, even now it is not the King's commission, but the Viceroy's that is given to the native cadet in the new army. We had no evidence, however, that this omission was not the fault of the War office at Home.

### **Frank co-operation with the Princes and people of India.**

This, which would have meant so much to England and India, was not adopted. Instead, in even the Viceroy's Executive Council was passed over, and the Viceroy and Commander-in-Chief governed and thought alone. No generous appeal for help was made to India, no more generous attitude shown to India. On the last point, I do not know that there has as yet been any change.

There was a shortage of officers ; and Mr. Wedgwood says that if the King's commission were granted to Indians, this difficulty would have been very much reduced. A narrow statesmanship is unwise even from the business point of view ; and the present war has illustrated the truth.

The Mesopotamia muddle has proved conclusively the real worth of the Indian Bureaucracy. The system must be changed for the very existence of the Indian Empire, as Englishmen, however able, are only birds of passage in this country. Their interests sink into utter insignificance before those of the children of the soil. Hence it is essential, as Commander Wedgwood observes, not only should "full privileges of citizenship" be given to the Indians but they should be allowed "a large share in the Government of their country and in the control" of the existing Bureaucracy. It is very hopeful and encouraging that this simple truth is dawning on the minds of thoughtful and far-sighted Englishmen. The Anglo-Indians, official and not-officials have been so demoralised by the exercise of irresponsible power that they have become incapable of appreciating the sentiments uttered by the Lord Bishop of Calcutta and Commander Wedgwood.

Mr. H. E. A. Cotton, in the Star, sets forth the lesson of the whole muddle in these words:



The lesson of the Mesopotamia tragedy is that the bureaucracy in India, uncontrolled by public opinion, has failed to rise to British standards, and that it is time that civilians (Indians ?) should no longer be denied the full privileges of citizenship and a proper share in the government of their country. Indians are always being told by superior persons that they are not fit, and apparently never will be fit, for the work of Self-government : and the people who favour them with the lecture belong almost invariably to the very class which has just made so pitiable an exhibition of its hopeless incompetence.

The Manchester Guardian brings out the same point in this manner :

We have to deal, in fact, with a bureaucracy which is a pure machine but is not an efficient machine. It is unaffected by any concern for the human material committed to its charge ; it moves by forms and rules which are unintelligent and prevent it gaining the knowledge by which alone it can function efficiently ; and, so far at least as some of its members are concerned it has ceased to have the honesty and conscience which alone make a bureaucracy tolerable. We ascribe this sorry state of affairs to the long existence of the Government of India as a body which stands aloof and autocratic, uncontrolled by any public opinion.

That this opinion is shared by at least some of those who have had official experience in India is seen from the following remarks of a "high Indian military authority" writing in the columns of the Weekly Despatch."

The surprising thing about the Mesopotamian report is not the revelation about the incompetent Indian bureaucracy, it is that so much waste of life and suffering should have been necessary to bring home some of the truth to the British public. We who have lived in India have for years known of the stupidity of the people persistently called to high office ; we have known that promotion went by favour and rarely by merit ; we have known that the one way to get on in India was to be a sycophant at Calcutta or Simla ; we have known that the India office was administered by a

more than ordinarily stupid bureaucracy—all these things we have known and worried over, but the trouble was to get any body to listen to us. If you ventured to call attention to these glaring iniquities you were branded as silly, meddling, dangerous faddist.

In exactly the same strain writes Mr. Cotton in the *Star* :

When Lord George Hamilton was Secretary of State for India, he would never tolerate any sort of suggestion that the Anglo-Indian bureaucracy was capable of improvement. That has also been the policy of his successors and predecessors—whether Liberal or Tory. It has needed the explosive force of a great world-war to convince them of the capital error of which they have been guilty, and which has been the root-cause of all the trouble and ferment in India during the past ten years and more. The India office in London looked after the policy, and the Government of India at Simla after the management of the expedition; and the super-men in both places made a sad mess of their work. In the hands of this model bureaucracy, which has always been so scornful of criticism or advice from "outsiders", pure mismanagement became the order of the day, and every day. It is the literal truth to say that they touched nothing which they did not bungle. What is more, they snubbed and threatened those foolish and reckless people who tried to show them that they were not infallible.

This is what the *Globe* thinks of the characteristic attitude of the Indian Bureaucrat :

We do not know which is the more astonishing exposure of the incapacity of the typical bureaucrat, to grasp anything whatever outside the sphere of his official traditions or to realise that there may occasionally arise something in the world which is of more importance than their preservation unimpaired...That is the bureaucrat all over. It is a sin to doubt his omniscience, and blasphemy to correct his mistakes. Arrogant incompetence is the badge of his tribe.

This is what the Pall Mall Gazette says in the matter.

The heads of the Indian Government in its various branches appear to have felt that to preserve their own self-complacency was the primary object of all administration. Those who disturbed it by telling them that things were going wrong received spiteful rebukes and were threatened with punishment for doing their duty.

The Globe gives the following scathing condemnation :

'The Indian Bureaucracy is revealed as grossly ignorant of that which it was the plain business of the bureaucrats to know, as utterly reckless of the lives of men from whom it was responsible, as fawningly obsequious to those above it, and as unapproachable and insolent to those below.' and comes to the conclusion that of all the forms of government under which men have ever lived that of an uncontrolled bureaucracy must be the very worst.

Mr. Cotton has also been driven to the same conclusion He says in Star :—

Surely anything would be better than a continuance of "the most perfect system of administration which the world has ever seen," but which, nevertheless, has emerged from this latest ordeal as a sorry wreck. In every sense of the words, it has been proved to be top-heavy, hide-bound by precedent and theory, detached from practical conditions, mechanical and doctrinaire, impatient of advance and control, absorbed in the contemplation of its own infallibility. Is it not time, and more than time, that an end was made of it all, and that India should be given the opportunity to work out its own salvation which has been given to Ireland, and even to Greece ?

The remedy suggested in the concluding portion of the above extract is also the remedy suggested by the Manchester Guardian, which puts the matter thus :

It is true that in the House of Commons a few members occasionally ask questions about isolated Indian topics are usually given to understand that their interest in Indian affairs is something of an impertinence and a slight on the

self-seeing wisdom of the Indian Government. It is precisely because the Government of India and its officials have no need to bear constantly in mind the need of satisfying an exacting Parliament, reflecting a vigilant public opinion, that misdeeds like those exposed today can be committed with impunity and continued so long without detection. But England is far from India and Parliament is weary and over-burdened. We must look definitely for a remedy in India herself. We must give a great share in the government of India to those Indians who are already capable, and growing ever more capable, of playing a part in the administration of the country. In that direction at least the British Parliament can make its voice heard. For if the Mesopotamia Report makes one thing certain, it is that we must rely on the growth of a public opinion in India, which implies an increasing share by native Indians in the administration of the country, to keep the Government of the country healthy and efficient.

We have thus, without obtruding any comments of our own, set out the English opinion on the nature, and position of the Bureaucracy in India at the present day. We affirm that it vindicates triumphantly the view which Indian publicists have been propounding for a long time. The tone of the extracts shows the depth of feeling involved over one single affair. Is it any wonder that such feelings, excited over innumerable concerns of every day life and on points of national honour and happiness, should have led critics in India to adopt a tone more or less like this, though it never has reached the same pitch? And yet Mrs. Besant is in internment for carrying on a so-called "campaign for discrediting" the Government. Her remarks are mere milk and water by the side of this rigorous indictment. But they are in England and she is in India, and that makes all the difference.

As I have said above, the Mesopotamian muddle or bungle has been an eye-opener to the British public, showing that everything is not for the best, as they hugged the

comfortable delusion so long, so far as the Indian bureaucracy is concerned. Its failure to rise to the height of a grave occasion has laid bare, in the light of a searching inquiry, its inherent defects and ugliness. Here is the scathing condemnation of the Indian bureaucracy by an influential financial journal, the *Investor's Review* :—

“ India, official India, failed to rise to the measure of efficiency demanded and expected of it, and its failure illustrates once more, in a too lurid fashion, alas ! the essential inefficiency always displayed by and to be expected from a bureaucracy responsible to nobody. Having no master, the uncontrolled functionary almost invariably becomes in the lump a bad servant. We know here what it is to leave everything to the “ *constituted authorities*,” although there is, through questions in the House of Commons principally, a certain amount of check upon the vagaries of the covenanted functionary. That does not help us much or carry us far ; but in India it is nobody's business to make sure that any man is qualified for the post to which is assigned, that any official highly placed has capacity for doing his duty, or that any man in a position to direct a policy is capable of framing one or of understanding a policy when provided for him. We should say that the whole responsibility for the Mesopotamia disaster, with its cruel neglect of the man, the inadequacy of its sanitary staff, the absence of medicines, of means of transport for the wounded, of almost all the requisites called for by an active campaign, lies wholly upon the heads of the Indian bureaucracy. It is time it were given a master. ”

The *Investor's Review* has laid its finger on a really dark spot in the system of bureaucratic Government in India—that it is responsible to nobody and that the people cannot bring to bear any check upon it. The bureaucrat is again, thought to be quite equal to the demands of any post under the sun. And so the bureaucracy thrives in India, unchecked and uncontrolled, and no wonder that it failed to meet the necessities of a critical situation in its self-complacent conceit of efficiency.

The Sunday Pictorial said thus on the Mesopotamia muddle :—

“ Ashamed and humiliated as men are over the Mesopotamia report, no good will be done unless the stern lesson it teaches is taken to heart and acted upon. That lesson is responsibility. What we find are a sphinx-like secrecy and autocracy on the part of Indian officials,.....gross incompetency, ludicrous optimism, and always official reticence..... All criticism is regarded as wrong. The result is the Demi-God acting on secret lines, independently, incoherently, without responsibility.....These old rusty bureaucrats must go ; in place of official reticence we must have public responsibility. ”

The British press still continues its scathing condemnation of the Mesopotamia muddle and urges the lesson of responsibility, in which the bureaucracy, so full of self-esteem, are so sadly lacking. The Sunday Pictorial thus writes of the prominent features of officialdom in this country. “ What we find are a Spninx-like secrecy and autocracy on the part of Indian officials.....gross incompetency, ludicrous optimism and always official reticence.....All criticism is regarded as wrong. The result is the demi-god acting on secret lines, independently, incoherently, without responsibility.....These old rusty bureaucrats must go ; in place of official reticence, we must have public responsibility. ”It can not be denied that there is a great deal of truth in these observations and that the picture is far from being over-drawn. Criticism is so much resented by the officials that the late Secretary of State, Mr. Austen Chamberlain characterised independent criticisms as serving to bring the Government into discredit. If the Mesopotamia disaster served to open the eyes of the British public to the necessity of larger measure of popular control upon the administration in this country and the Government made properly answerable to the people it would not have been altogether in vain.

The London Daily News has given pointed expression to a truism, which is so apt to be forgotten or dismissed

especially in connection with the elaboration of schemes of reform. Referring to the scheme of reform hatched in secret by the Government of India, the Daily News says that "the scheme to be acceptable to India, must go far in the direction of giving the Indian people a popular voice in their own affairs and free access to place and powers. After all, we have to face the fact that India belongs to the Indians, and the more courageously we face it, the better for the future relations of the two countries. That is the kernel of the whole problem in connection with India. The want of a proper appreciation of this act lies at the root of much of the prevailing discontent. The more the fact that India belongs to the Indians is recognised and acted upon, the better for the scheme of success of any scheme of reform, the better again, as the Daily News well puts it, "for the future relations of the two countries".

The Statesman quoted the high authority of the Bishop of Bombay in support of its anti-Indian views against Self-Government. But the highest ecclesiastical dignitary in India, Lord Bishop of Calcutta, has spoken on the subject and has urged the Government to prove true to its own war ideals and to train the people of India in Self-Government. We need hardly add in the words of Mr. Gladstone that the best training ground for Self-government are the institutions of self-government. It is by inaugurating these institutions that the Government will have taken a real forward step towards granting self-government to the people. We make the following extract from the Bishop's address:—

"But it is not only against the German method of conducting war that we are fighting. We are fighting against the German principle that the strongest nation ought to subdue and enslave weaker ones. If this principle were accepted there would be no end to wars, and the strongest nations might always plead the excuse of Germany that it was making these conquests with the object of spreading its own superior civilization. We stand for the right of nations to live and dgrow according to their own God-given nature,

whether they be great or small. Here again we must keep our own conscience clear. We have become the paramount power in India by series of conquests in which we have used Indian soldiers and had Indian allies. We have remained the paramount power in India because the Indian peoples needed our protection against foreign foes and against internal disorder. We must now look at our paramount position in the light of our own war ideals. The British rule in India must aim at giving India opportunities of self-development according to the natural bent of its people. With this in view, the first object of its rulers must be to train Indians in self-government. If we turn away from any such application of our principles in this country, it is but hypocrisy to come before God with the plea that our cause is the cause of liberty”.

The above passage should be printed in golden letters. It is the outcome of noble heart which is truly Christian. Mark the words of the Lord Bishop: If we fail to train the Indians in self-government, after condemning the German principle that the strongest nation ought to subdue and enslave weaker ones, we shall stand before God as Hypocrite! His Lordship only utters an axiomatic truth, yet there is perhaps not another Englishman in India who will echo his sentiments.

Compare the utterances of the Lord Bishop of Calcutta with those the Bishop of Bombay published in the “Indian Social Reformer” of Bombay. His motto is, “first deserve and then desire self-government”. In other words, first learn to swim on land and then enter water! But we shall notice the Bombay Bishop’s effusions on a future occasion. We wonder if the “Statesman”, which spoke so appreciatively of these effusions, is going to come down on the Metropolitan of India for his heresies.

Let the prayer of the good Bishop of Calcutta be translated into all vernaculars of India and widely distributed. Let it be daily repeated by every one morning and evening and Home Rule ideas will go on spreading rapidly from



house, and man to man. Indeed the noble Bishop has done an incalculable service to the cause of Home Rule in India by his utterances on a solemn occasion and we cannot be too grateful to him for the same.

We quote again the words of the high-souled Bishop of Calcutta:—"The British Rule in India must aim at giving India opportunity of self-development according to the natural bent of its people. With this in view the first object of its rulers must be to train Indians in Self government. If we turn away from any such application of our principles in this country, it is but hypocrisy to come before God with the plea that our cause is the cause of liberty".

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# Self-Government and Bureaucracy.



The struggle for self-government as we have so often observed, is a struggle between the bureaucracy and the people of India; and the British Democracy are to be the final arbiters of the issues involved. The angle of vision of the British democracy has fortunately changed, but not that of the bureaucracy here. On the contrary, we fear that with the liberalization of British ideals in regard to India, there has been a contraction of the bureaucratic vision and a stiffening of bureaucratic opposition to Indian aspirations. Pronouncements have been made by high officials which openly denounced the Indian programme of reform as formulated by the Indian National Congress and the Moslem League, and a policy of repression has been worked with greater vigour than before. But in the meantime events are shaping themselves so as to produce results in conformity with the trend of the world forces. There is divinity in human affairs, roughhew him as we may, so sang a poet—a seer, and the evolution of human events testifies to the great truth. The Mesopotamian muddle is an unexpected revelation and has served as an eye-opener to the British public. English news papers were never tired of singing the praises of the Indian Bureaucracy, its efficiency was the theme of their most eulogistic effusions, and “the most distinguished service in the world” was surrounded with a halo in the eyes of the British public which made it almost a sacrilege to question its ability and its efficiency. Carlyle had indeed declared bureaucracy as “a continental nuisance”; but that was not the view of the British public. All this is now changed. The idol has been broken up; its feet of clay have now been discovered and the exaggerated eulogy of former days has given place to the verdict of sober reason, based upon unquestioned facts.

The contention of educated India that the bureaucracy is old and effete and is unequal to present day requirement is echoed by the great organs of English public opinion, Liberal as well as Conservative. There was no English newspaper more staunch in its devotion to Indian bureaucracy or more consistent in singling its praise than that well-known exponent of conservative opinion, the *Globe*. "Exaggerated incredulity as to its defects" is a failing of the bureaucracy said the *Globe*, but there is much more of the same kind. The *Globe* says:—

"We do not know which is the more astonishing exposure of the incapacity of the typical bureaucrat, to grasp anything whatever outside the sphere of his official traditions or to realise that there may occasionally arise something in the world which is of more importance than their preservation unimpaired. That is bureaucrat all over. It is a sin to doubt his omniscience, and blasphemy to correct his mistakes. Arrogant incompetence is the badge of its tribe".

Here is what The *Star*, an organ of liberal opinion, says:—"When Lord George Hamilton was Secretary of States of India he would never tolerate any sort of suggestion that the Anglo-Indian bureaucracy was capable of improvement. That has also been the policy of his successors and predecessors whether Liberal or Tory. It has needed the explosive force of a great world-war to convince them of the capital error of which they have been guilty, and which has been the root-cause of all the trouble and ferment in India during the past ten years and more. The India Office in London looked after the policy, and the Government of India at Simla after the management of the expedition; and the supermen in both places made a sad mess of their work. In the hands of this model bureaucracy which has always been so scornful of criticism or advice from "outsiders", pure mismanagement became the order of the day, and every day. It is the literal truth to say that they touch nothing which they did not bungle. What is more, they snubbed and threatened those foolish and reckless people who tried to show them that they were not infallible."

The language is strong, but we cannot say that it is undeserved. In dealing with some recent developments in India, the one weapon which the bureaucracy knows and most favours is repression, and repression has failed. Mrs. Besant and her colleagues were interned with a view to ally the situation: and the internments have only added to the unrest and excitement. One act of repression fails; and a stiffer dose of it is given; and the patient grows worse. Is this statesmanship or quackery? It is all bad management. The Manchester Guardian, one of the most influential organs of English public opinion thus adds to the swelling volume of indictment:—

“We have to deal, in fact, with a bureaucracy which is a pure machine but not an efficient machine. It is unaffected by any concern for the human material committed to its charge. It moves by forms and rules which are unintelligent and prevent it gaining the knowledge by which alone it can function efficiently and so far at least as some of its members are concerned, it has ceased to have the honesty and conscience which alone make a bureaucracy tolerable. We ascribe this sorry state of affairs to the long existence of the Government of India as a body which stands aloof and autocratic, uncontrolled by any public opinion”.

It is the absence of the control of public opinion which contributes to the inefficiency and the ultimate failure of bureaucratic rule.

### **The “Investors’ Review” on the Indian Bureaucracy.**

As we have said above, the Mesopotamian muddle has been an eye opener to the British public, showing that everything is not for the best, as they hugged the comfortable delusion so long, so far as the Indian bureaucracy is concerned. Its failure to rise to the height of a grave occasion has laid bare, in the light of a searching enquiry, its inherent defects and ugliness. Here is the scathing condemnation of the Indian bureaucracy by an influential financial journal, the Investors’ Review:—

India, official India, failed to rise to the measure of efficiency demanded and expected of it, and its failure

illustrates once more, in a too lurid fashion, alas ! the essential inefficiency always displayed by and to be expected from a bureaucracy responsible to nobody. Having no master, the uncontrolled functionary almost invariably becomes in the lump, a bad servant. We know here what it is to leave everything to the "constituted authorities", although here, there is, through questions in the House of Commons principally, a certain amount of check upon the vagaries of the covenanted infunctionary. That does not help us much or carry us far ; but in India it is nobody's business to make sure that any man is qualified for the post to which he is assigned, that any official highly placed has capacity for doing his duty, of that any man in a position to direct a policy is capable of framing one or of understanding a policy when provided for him.

The Investors' Review has laid its finger on a really dark spot in the system of bureaucratic Government in India that it is responsible to nobody and that the people cannot bring to bear any check upon it. The bureaucracy is again, thought to be quite equal to the demands of any post under the sun. And so the bureaucracy thrives in India, unchecked and uncontrolled, and no wonder that it failed to meet the necessities of a critical situation in its self-complacent conceit of efficiency.

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## Self-Government for India.

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1. The movement for the attainment of self-government within the empire is by no means so recent as it is in some quarters represented to be. More than three decades ago, Mr. Surendranath Banerji said :—

“ Self-government is the order of Nature and the will of Divine Providence. Every nation must be the arbiter of its own destinies—such is the omnipotent fact inscribed by nature with her own hands and in her own eternal Book. But do we govern ourselves ? The answer is ‘no.’ Are we then living in an unnatural state ? Yes, in the same state in which the patient lives under the ministrations of the physician. We have passed through a period of probation and a period of trial under the auspices of one of the most freedom-loving nations in the world. And we claim that the period of probation may now fairly terminate, that the leading-strings may be taken off and the child having emerged into the dawn of mature manhood may at any rate be entrusted with the management of its own affairs. If it were otherwise, the circumstance would imply the gravest slur upon the character of British rule in India ; for it would mean that after one century of British rule and English education, we are still unfit to appreciate the principles and to practise the art of self-government.”

In his address delivered as president of the Indian National Congress held at Calcutta in 1906, Mr. Dadabhoi Naoroji, whose death has robbed India of its foremost leader, again clearly put the ideal of self-government within the Empire or swaraj before his countrymen and exhorted them to strive by all lawful and constitutional means to achieve it. “ In self-government,” said the grand old man, “ lie our hope, strength and greatness.” He charged his countrymen to ‘ unite, persevere and achieve Self-government,’ so that

India may once more occupy the proud position of yore among the greatest and most civilised nations of the world. During the decade that had passed since, events have happened which have contributed to the accentuation of that demand and supplied arguments in its favour far greater than any that existed before. England has entered upon a struggle of world-wide character and aided by India no less than by her dominions over-seas is "professedly striking a blow in defence and protection of liberty and freedom, and to secure not only for herself but for all nations, big and small, the right to live a fuller and freer life, which self-government alone secures to every nation. For some time past, notwithstanding the mighty efforts that are unceasingly being made to secure an abiding victory over the enemy, England's best minds have been devoting themselves to schemes of reconstruction of her great Empire, to the readjustment of relations between herself and her dependencies so as to secure a truer and juster partnership. Her statesmen have not omitted to refer to India. Indeed at a very early stage of the War, Mr. Charles Roberts, speaking as Under Secretary for India in the House of Commons, stated that 'it was clear that India claimed to be not a mere dependent of, but a partner in the Empire, and her partnership with us in spirit and on the battlefield could not but alter the angle from which we should all henceforward look at the problems of the Government of India.' It was therefore impossible that while the rest of the Empire was, during the progress of the War, taking such interest in large problems of such far-reaching consequences, Indians should fail to put before England and the country itself their views of those constitutional changes which the altered condition of things no less than the growing sentiment of the thoughtful section of the community have made inevitable. Accordingly, in the Memorandum submitted last year by nineteen members of the Imperial Legislative Council, it was pointed out that 'what is wanted is not merely good government of efficient administration, but Government that is acceptable to the people because it is responsible to them. This

is what India understands would constitute the changed angle of vision. If, after the termination of the War, the position of India practically remains what it was before and there is no material change in it, will undoubtedly cause bitter disappointment and great discontent in the country, and the beneficial effects of participation in common danger overcome by common effort will soon disappear, leaving no record behind, save the painful memory of unrealised expectations.' Shortly after the submission of the Memorandum the Indian National Congress and the All-India Muslim League met at Lucknow and adopted a scheme of reforms recommended by the joint committee of the two bodies. In its resolution on Self-government for India the Congress urged as follows :—

- (a) That having regard to the fact that the great communities of India are the inheritors of ancient civilization and have shown great capacity for Government and administration and to the progress in education and public spirit made by them during a century of British rule, and further having regard to the fact that the present system of Government does not satisfy the legitimate aspirations of the people and has become unsuited to the existing conditions and requirements, the Congress is of opinion that the time has come when His Majesty the King-Emperor should be pleased to issue a proclamation announcing that it is the aim and intention of British policy to confer self-government for India at an early date.
- (b) That this Congress demands that a definite step should be taken towards Self-government by granting the reforms contained in the scheme prepared by the All-India Congress Committee in concert with the Reform Committee appointed by the All-India Muslim League.
- (c) That in the reconstruction of the Empire India should be lifted from the position of a Dependency to that of an equal partner in the Empire with Self-governing dominions.



The Muslim League practically adopted the same resolution, and the Home-Rule League, which also met at the same time at Lucknow, also adopted the same resolution and the same programme. All these bodies undertook to carry on a vigorous educative propaganda, but the Home-Rule League, under the leadership of Mrs. Annie Besant, lost no time in popularising the idea and pressing it on the attention of the Government. For some time past, however, it was becoming increasingly apparent that the entire aims and objects of the movement were being, in certain quarters, either misunderstood for want of direct or accurate knowledge, or misrepresented out of interested motives. The Government, however, gave no clear indication of their attitude towards the movement until certain Governors made important pronouncements during the last few months. His Excellency Lord Pentland in the course of his speech delivered in the Madras Legislative Council strongly attacked the self-government movement and condemned its methods, though His Excellency was not pleased to point out any specific instances of error of conduct on the part of the movement. His Excellency made no distinction between the Congress, the Muslim League and the Home-Rule League. No complaint is made on this score as the ideals of the one are the ideals of the other. He warned the country that all thoughts of an early grant of responsible Self-government should be entirely put out of mind, and fore-shadowed the adoption of a repressive policy. On the 16th of June last, the Government of Madras passed orders of internment, under the defence of India Act, on Mrs. Anne Besant, the chief apostle and protagonist of the Home-Rule movement and her two colleagues Messrs. Arundale and Wadia without specifying or formulating any definite charges against them.

2. The Government of Bombay have also issued a circular prohibiting students from attending political meetings at which self-government for India is advocated. And it has been explained that the prohibition extends to meetings at which the Congress, Moslem League scheme of reforms are advocated. I state the following admirable

**prounouncement of a former Secretary of State for India, Sir Stafford Northcote ( afterwards Lord Iddesleigh ) urging students to take an active part in the politics of their country which occurs in his Rectorial address at the University of St. Andrews :—**

" I expressed a few minutes ago the hope that our meeting today might not be marred by any unseemly display of party spirit but it was far from my intention to discourage the beautiful expression of a genuine interest in political affairs, which to my mind is very much to be commended among the educated youth of a nation, and tends greatly to preserve the true spirit of our free institutions. Party spirit among the young men in our national seats of learning may easily be abused, and may become mischievous, as is the case with all good things ; and unquestionably there is a kind of party spirit, that which refuses to do justice to opponents or to see any merits except on its own side which is much to be deprecated and discouraged. But I confess that I value so highly the training of our youth for political life, that I would never see among you a little exaggeration and even a little temporary misdirection of your partisanship than a dull indifference upon questions of high importance or selfish insensibility to the interest of your native country. You all remember the beautiful and touching words of the Greek orator and statesman. " The taking of the youth out of a state is like taking the spring out of the year ". They were words which he applied to the loss sustained by the State in the prematured death of those who were cut off by war or disease. But they might with equal truth and force be applied to the last which it suffers when the flower of its youth withdraw themselves from active political life to devote the energies which should be employed for their country's benefit to selfish ends " .

But it is a far cry from St. Andrews to India. The policy of the Government of the Punjab is well known. Even before Lord Pentland made his speech at Madras. His Honour Sir Michael O'Dwyer made a pronouncement in the

Punjab Legislative Council which left no room for doubt his hostility towards the Self-government movement. At Lahore the news-papers were ordered under the Defence of India Act not to publish the proceedings of the public meeting held to protest against the internment of Mrs. Besant, though, soon after that order was withdrawn on the ground that His Honour has satisfied himself about the character of the speeches. In Delhi the public meeting convened was prohibited altogether under the same Act. The crowning instance of such prohibition is the order of the Bengal Government forbidding the Sheriff's meeting intended to be held in the Town Hall of Calcutta under the Presidentship of Sir Rash Behari Ghose, Kt. C. S. I., C.I.E., L. Ld. but fortunately it was also withdrawn when a deputation of leaders approached His Excellency. Official pressure elsewhere has been brought to bear upon public men, the attempts have been made to prevent a free expression of public opinion.

3. In United Provinces His Honour Sir James Meston delivered on the 17th of July last an important speech from his place in the Provincial Legislative Council, in the course of that speech Sir James observed that it was his belief that India could not effectively take up her partnership in the Empire unless her people were given an ever increasing share in the management of their domestic policy. The war being a war of freedom His Honour said that those who were responsible for the government of the country admitted the right of India to look forward to free institutions under the British Crown, though opinions might differ as to the pace of development and the steps of progress. In these provinces His Honour Sir Benjamin Robertson in his speech delivered at Amraoti on the 11th August 1917 warned the people not to think of anything else but war although we had done excellently to carry it out to a successful end. While this Conference acknowledges that the tone and the manner of His Honour's speech are marked contrast to those of some of the official speeches delivered elsewhere, it fails

to derive consolation from it as nothing definite or tangible is held out to the country. Indeed his honour himself said that he could not in any way forecast what the decisions of higher authorities might be. If as is said there is excitement in the popular mind, it is, this Conference maintains, clearly traceable to certain specific act of the Government which can only be characterised as being distinctly repressive. This Conference is not aware that any form of mischief has been at work which has upset the minds of the young or confused men's judgment, and which can justify such drastic action as the internment of Mrs. Besant and her colleagues. This Conference further affirms that there is not and has never been any movement carried on by its members or the members of any recognised political body which has any sinister meaning or significance about it, or which aims at what has been said to be the vilifying of the Government or the weakening of its authority.

4. While all this has happened and is happening, the Government of India have not been pleased to either disclaim or revoke any of the declarations or acts of the Local Governments. On the contrary there exists a wide-spread belief that Local Governments have not acted in the manner in which they have done without the concurrence or approval of the supreme Government.

5. The situation which has thus arisen is one of grave concern, and at a juncture like this we consider it our duty to declare publicly our firm adherence to the principles and ideals adopted by the Congress in concurrence with the Moslem League. It is our deep-rooted conviction that Self-Government within the Empire is the only destiny which is worthy of our great past or present aspirations and future progress, and that the time has come when England should definitely accept and recognise our claims to it, and adopt a policy which may secure to India responsible Government at an early date. We believe that in the present conditions of India isolated measures of reform, or further employment of Indians in higher posts, cannot

satisfy our national aspirations. What is wanted is a continuous and uninterrupted policy of constitutional and other reforms as part of a well-defined and genuine programme of work leading up to the establishment of complete Self-government which alone can secure to India a position of honourable equality with the other part of the Empire. We believe that there is absolutely no difference between the ideals of the Congress or the Muslim League or the Home-Rule League, and any attempt to differentiate the one from the other will neither produce conviction in the public mind, nor weaken us in our resolve to pursue the programme of work laid down by the Indian National Congress. We believe that the movement is perfectly constitutional and legal, and that it is the right and privilege of every subject of His Majesty in every part of his Empire to put forward any opinion expressing disapproval of the present system of Government and administration and advocating the adoption of constitutional reforms having for their object the investment of the people with the power to manage their own affairs, as the component part of the Empire. We strongly repudiate all charges, overt and covert against the Congress and maintain that it has done nothing to disturb the public peace, or inflame the public mind, and that such excitement as exists in the country has been solely due to the ill-advised, short-sighted, and unwise policy of repression adopted by certain local governments. Our methods have been not only strictly legal and constitutional but have not been inspired by a spirit of radical antagonism and they shall continue to be so. We consider it our duty to carry on our propaganda in the country, on the platform, and through the press, and by all other constitutional means open to us. Actuated by these ideals, and fully realising that our patriotism is not only not inconsistent with devotion to the Empire but is a necessary part of that devotion, the Indian National Congress maintains that India should be allowed to stand on its legs. The scheme propounded by the Congress and the Muslim League is by no means 'catastrophic'. On the contrary,

it is wholly evolutionary in its character and provides ample safe-guards against any difficulties arising out of the ready adjustment of the administrative machinery. Above everything else, the Congress maintains that the exercise of self-government best qualifies a people for self-government and that a demand for it, which is perfectly natural and righteous, for, to use the words of Sir Henry Campbell-Bannerman, good Government can never be a substitute for Self-government. In the recent speech delivered by the Prime Minister at Glasgow, he is reported to have said that 'the Austrian Premier has repudiated the principles that the nations must control their own destinies, but unless the principle is accepted not only will there be no peace but if you had peace there would be no guarantee for its continuance. The Congress maintains that it is impossible to leave out India as beyond the perview of these principles of national freedom and self-dependence while the other parts of the Empire with mixed populations not wholly harmonious in their internal relations, should freely enjoy and exercise the right of self-development and self-government.

6. I therefore, think that the time has come when the Government should make a definite pronouncement on the subject, accepting Self-Government as the goal to the attainment of which at an early date the best energies of the Government and the people should earnestly be directed and granting the specific reforms set forth in the joint scheme of the Indian National Congress and the Muslim League after the war as the first instalment of reforms culminating in full responsible Government, by which we understand, a Government dominated by the people and responsible to the people. This conference is aware that Mr. Austen Chamberlain, and more recently Sir James Meston have foreshadowed an early announcement of policy. I trust that the announcement will be on the lines indicated above, for nothing short of it will meet the requirement of the situation. It is too clearly emphasised that India is in no mood for further evasions, postponements or subterfuges, and that the reforms asked

for, after due deliberation, in the joint scheme of the Indian National Congress and the Muslim League are the irreducible minimum which the Indian people expect or will be content with as the first instalment of reforms towards the grant of full responsible Self-government to India.

7. I further desire to declare my faith in the innocence and bona fides of Mrs. Besant and Messrs. Arundale and Wadia. I am firmly convinced that her methods of work were wholly constitutional and involved no danger to the public weal, and that her influence on the younger generation was never other than wholesome. I feel that in her compulsory retirement India has been deprived of her services of high purpose and noble ideals who have throughout her career endeavoured to make the relations between England and India more permanent by securing for India within the Empire a position consistent with its self-respect and capacity, and with her right of self-expression. I further believe that the action taken by Government in regard to her is an unjust and arbitrary as it is short-sighted. I emphatically protest against it and urge the immediate restoration of her freedom. In the alternative, the Government ought to formulate definite charges against them and establish them in a court of justice.

8. In my opinion, the Defence of India Act was not intended to be, and ought never to have been, used to suppress civil liberty, and I believe that the excitement caused in the public mind by repeated resort to the extraordinary power vested in the executive by that war measure is much greater than would have been entailed in a judicial trial. I firmly trust that the Government will revise their present policy of repression and replace it by one of conciliation and trust in the honour and good faith of India which have been established beyond all cavil during the present crisis.

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## The re-introduction of Local Self-government bill. I.

—(10)—

I read with great interest the controversy in your paper on the subject of the Local self-government Bill. As far as I can see, the non-official elected members of the Council have rightly opposed the motion to refer the Bill to the Select-committee and the Government have rightly withdrawn the bill in response to the public opinion. After all loose logic is not enough to turn men into somnambulists. Needs of life and circumstances are the constant spur. One of the stiffest and strongest of utilitarian teachers in well-known words declared a man's life to be a poor thing at best, after youthful freshness and curiosity had gone by. Some years are marked as sentimental other stand conspicuous as rational. Old prejudices were disarmed. Fresh principles were set afloat, and supported by the right reasons. The standards of ambition rose higher and purer. The rational prevented the sentimental from falling into pure emotional. Bacon penned that deep appeal from thought to feeling, "the nobler a soul is, the more objects of compassion it hath". The ideals have their hours and fade. The oracle of today drops from his tripod on the morrow. In common lines of human thought and act, winds shift, tides ebb and flow, the boat swings. Only let the anchor hold. We should not cast our horoscopes too narrowly. One's first associations must have been ill-chosen if fidelity to their essence and foundations comes to be overclouded by the falling mists of afternoon. We may perceive plenty of wrong turns taken at the cross roads, time misused or wasted, gold taken for dross and dross for gold, manful effort misdirected, facts misread, men misjudged. And yet those who have felt life no stage-play, but a hard campaign, may still resist all spirit of general progress in the evening of their day. It



was easy to reproach the new spirit with being rash, headstrong, dilettante, pococurante. Respect for the dignity and worth of the individual is its root. It is better to bend the knee to wisdom than to march in the chorus ranks of partisans. One of the greatest statesmen of the last century advised his follower :—"Keep yourself in the fresh air of the world; do your best in the world's affairs; study the active rather than the passive; do not be an egotist, but take pains for clear thought and limpid expression". Mill believed that no symmetry, no uniformity of custom and convention, but bold, free expansion in every field, was demanded by all the needs of human life, and the best instincts of the modern mind. These few lines, without being in any sense volcanic, are a vigorous, argumentative, searching, noble, and moving appeal to all the District Councils of this province not to pass any resolution for the reintroduction of Local Self-government Bill in the Council. All the District Councils of this province would defer the consideration of this Bill till the wider question of constitutional reforms was finally settled by the Secretary of State.

2. The District Council of Nagpur in para 13 of its scheme, the Provincial Congress Committee and Provincial Association in para 23 of its scheme and the C. P. Graduates Association in Chapter II at page 6 of its scheme demanded that all Local bodies such as Municipalities, District Councils and Local Boards should be wholly elected and they should have full control over their finance. The Berar people in their two representations demanded that the Local bodies should be wholly elected and the functions and powers of the Local Bodies should be increased so as to give them real independence. In clause (10) of the Memorandum of the nineteen, a demand for a full measure of local self-government was made. In spite of all these popular demands how shall we be consistent if we were to ask Government to reintroduce Local Self-Government Bill which is so retrograde in every respect. We are prepared to make a demand if the Government is prepared to give us the full measure

of Local Self-Government. Would Sir B. K. Bose guarantee this ?

3. Any expression of opinion from such bodies as District Councils will have a powerful influence in determining the character of the provisions of the Bill. The rate-payers of this province should see to it that their representatives faithfully reflect their views and that upon this question of vital importance, there is no equivocation, no compromise. The measure will determine the administration of our civic affairs for years to come. The prosperity, the happiness and public life of our Province are bound up with it. Next to the constitutional reforms that are now pending, it is the one question of absorbing interest to the rate-payers of this Province. In dealing with the Bill, it has to be borne in mind that it is antiquated and was framed under the conditions, which since the war and owing to the war, have undergone serious changes. In the words of the Prime Minister, we have in four years' time, been running through the track of centuries. The Bill has therefore, to be looked at from an altered angle of vision and has to be liberalised in accordance with the new-born conditions. When we are talking of responsible Government in the higher spheres of administration, it would be altogether out of place and at variance with the fitness of things to have a measure of Local Self-government for one of the Provinces of the Indian Empire upon old and obsolete lines. The Bill therefore, has to be recast in its constitutional aspects, and the framer of the Bill himself must recognise that it must be adapted to the changed angle of vision. It is not merely a question of the restoration of the old features of the Local Self-Government Bill of 1883, but of a full measure of a further and definite and distinct advance, and nothing short of it will satisfy public opinion or the requirements of the new situation. The first and foremost change that must be definitely embodied in any measure of Local Self-Government for this province is the paramountcy of the District Councils which necessarily involve the abolition of co-ordinate authorities. The bill should recognise no other authority as final or

supreme than the collective and corporate authority of the representatives of the rate-payers. If there is to be a delegation of such authority, it must be on the understanding that the power of revision on each and every case must rest with the District Councils. The system of co-ordinate authorities is an extraneous growth, foreign to the traditions of this country. This feature of the bill must be discarded. The proceedings of all Committees and of the Executive Heads of all the District Councils must be subject to revision by the District Councils at their meeting. Would this involve any waste of time, or lead to fruitless discussion?

4. I hope that all the District Councils in any opinion which they may submit, will uphold their paramountcy and their right to revise the proceedings of all other authorities of the District Councils. This should be the fundamental feature of any measure for the Local Self-Government of this province.

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## The re-introduction of Local Self-Government Bill. II.

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In my last letter I commented upon the Local Self-Government Bill and urged that one of the most important reforms needed is the investment of paramountcy of power to the District Councils and Local Boards. The angle of vision has changed ; the old feeling of distrust against the District Councils and Local Boards has disappeared, and we are on the eve of constitutional reforms of great movement. Nor has the system of co-ordinate authorities proved a conspicuous success. I await with confidence the decision of all the District Councils in this matter. If the District Councils at all reflect the sense of the rate-payers, the supreme authority of the District Councils in all matters relating to our Local Government will form a part of the new law. Almost of equal importance with the question of the abolition of co-ordinate authorities, is the appointment of the executive. The presidents of all the District Councils and Local Boards will be non-officials elected by Lord Ripon in 1882, but it was overlooked by the Government as soon as he left the shores of this country. The concession is now promised ; but we are not satisfied with it. Promises and pledges are of little avail now. We want realities, and the spiritual nations stand for realities. Thirty-six years have elapsed since the famous Resolution of Lord Ripon ; and vast and stupendous changes have taken place within that time in our ideals and aspirations, and great progress has been made in the measure of our national efficiency ; and the Local Self-government Bill affecting our province must respond to the spirit of the times. We want that the executive of District Councils should be elected by the representatives of the rate-payers, subject if need be, to confirmation by Government. The reason for the change is

obvious. The Executive is to work with the elected representatives, carrying out their orders and giving effect to their policy. He is in one sense, to be the controller of their house-hold. Obviously, he must have their confidence. A stranger appointed by the Government will not possess it in the same degree ; and this mutual confidence between the elected representatives and their Executive head must be the secret of that cordial co-operation, which alone can ensure the success of the Local Self-government. If the District Councils can be trusted to manage their own affairs, surely they can be trusted to elect a proper man to carry out their policy and to control their executive. It is illogical and anomalous to allow the District Councils to lay down its Policy but to deprive it of the power to carry it out by an agent chosen by themselves.

2. It is said that the genesis of the Local Self-government Bill goes back to the year 1906-07. As things have moved very fast since then that old and effete Bill will have to be revised in view of the changed point of view. That Bill must go now. Another will have to be drafted which will better suit the atmosphere created in India since the famous pronouncement of August 20th last year. In view of the present agitation for political reforms in this country and the probabilities of some substantial changes in the constitution of Local Bodies as a result of the Reforms to come, this Bill needs radical changes i. e. a root and branch reform in the Local Self-government Bill of this province is necessary.

3. The Local Self-government Bill reveals that no notable advance had been made in the direction of a lasting solution of a long-standing problem. Progress was promised in one or two directions, while in other respects retrogression has been definitely determined upon. The Bill must embody the question of relaxation of outside control over local bodies. The question of making the Local bodies as independent of the local officials and of the Central Government should be solved. The Bill should contain a

measure for the introduction of compulsory elementary education in Local Board areas. There can be no question that essence of such legislation should be popular control of elementary education through the re-formed local bodies and as in Bombay the Government shall pay up  $\frac{2}{3}$ rd of the expenses and the remaining  $\frac{1}{3}$ rd shall be raised by local bodies by fresh taxation. It is certainly curious that when the complete emancipation of local self-governing institutions is being authoritatively talked of, any measures should be adopted which are violently opposed to that happy consummation. The attitude of Government was by no means clear or commendable in regard to the vital problem of local finance. The handing over of the whole excise revenue to local bodies is an old remedy which has been repeatedly made, but which has failed to receive the proper measure of attention at the hands of the authorities. The excise is a source of revenue and its control is a means of checking the consumption of liquor; and it may be said that the substitution of local bodies in the place of Government may not mean any appreciable improvement on the existing condition of things. But it must be remembered that in the exercise of licensing functions, local bodies would voice the general sentiment and opinion of the local communities, and if as a result of restrictive measures, the revenue from this source diminishes, the responsibility of having to tap fresh sources will belong to them. The Government's vague and indecisive attitude clearly indicates that they have not arrived even at tentative conclusions on this vital problem, on the correct solution of which depends the further development of local self-government. Whatever may be the outcome of the reform proposals, it is pretty certain that the public will not be in a position to see any realisation of reform in local self-government for some years to come, at the space at which local governments are now moving. The Decentralization Commission submitted its recommendation over a decade ago and the authorities in India are still cogitating and noting and arguing. The following apt observations of Lord Morley in his "Recollections" which were made in

regard to the interminable delay on the part of the Government of India in sending up final reform proposals, are in a greater measure applicable to the matter in question which is taking a great deal more time than was taken up by the Morley-Minto reforms. "At this space, Lord Grey's Reform Bill Nottingham and of 1832 would have become law in 1850 or 1860 and Bristol blazing all the time! The other day I was reading how Napoleon, having performed some high-handed exploits about making or moving Bishops in Italy, the Pope protested pretty sharply that Emperors had no business to settle such high things without consulting the Holy See. To which Napoleon replied, what is the use of consulting you? You and your Cardinals can never decide anything under between three and four years! What's the use? Italy can't wait. And you are the very first man to say that India can't wait."

4. I may state for Sir Bipin's information that there was a general desire in every responsible quarter that this Bill should be postponed till the larger question of political reforms was announced by the Secretary of State. The popular desire is to mould this Bill in the light of the reforms that are anticipated very shortly. The Government are thoroughly justified in withdrawing the Bill pending the introduction of the new regime.

5. Whatever promises the Hon'ble Chief Commissioner may have given in his speech but in the face of the packed official majority it is difficult to achieve any substantial measure of reforms either in the Select Committee or in the Council. Did Sir Bipin forget so soon the fate of the Land Revenue Bill? Did he not then oppose the people's wishes in the Council? Did he not vote against the non-official elected members' motions in the Council? Was he consistent with his previous writings on the Land Revenue administration of this province when he voted against the thirty years settlement and the inclusion of thirty per cent increment of assessment in the statute itself? In spite of all these glaring facts how can the people believe that the wishes of the people would have been carried out.

in the council. In my opinion it was *reductio absurdum*. One of the greatest statesmen of Europe said :—"Compromise is immoral, and often dangerous ; general intentions of the future are better guides, and place you on surer ground, than what are called tactics and practicalities, no path save the straight line ; no false doctrines of expediency ; no petty Machiavellis of the anti-chamber ; political prudence is another name for mediocrity of intellect.

6. In paragraph 8 of his letter Sir Bipin says :—" The Congress-League joint scheme has not asked for responsible Government if by responsible government is meant administration of this Empire by an agency solely responsible through an elected body of the people". Again he says in para 12 :—" No claim for the immediate grant of responsible government has been preferred by or on behalf of the people of these provinces, even if we had been sufficiently advanced to justify any such demands." I defend the congress League Scheme against certain hostile criticisms which have been levelled against it. Among these that which has apparently made the greatest impression on Sir Bipin's mind is the absence of provision in it for responsible government, which has since been declared to be the goal of British policy in India. I deny that a removable executive was of the essence of the responsible government, as was instanced in the Swiss, South African, American and Philippine constitutions, which were recognised on all hands as among the most democratic constitutions in the world. Under these constitutions the executive placed their view before the legislature, but if it was not accepted they loyally carried out the decision of the legislature, if even when they did not fall in with it. So would it be here under the Congress League Scheme ; and so long as the ministers were allowed to resign, it could not be contended with any show of reason that their conscience would be coerced. I observe that it was a superstition of English political philosophy that popular government did not reach full development until ministers could be removed from office ; and I warn against the danger of foisting a Cabinet system on India under the



influence of that superstition before conditions favourable for its adoption had made themselves apparent. I counsel a spirit of sweet reasonableness in our advocacy of Congress League Scheme ; and we ought to stand firm by the governing formulae of that scheme. I was present in the Lucknow Congress of 1916. This was what the Congress and League meant. It is no use for Sir Bipin to put in a lawyer's interpretation over it now.

7. That the joint-scheme is silent on the subject of Local Self-Government does not of course imply that the Congress and Moslem League undervalue its importance. It has been seen that the Congress resolution of 1915 included this among the reforms that should be introduced. Local Self-Government has not fared well at the hands of Provincial Governments. The beneficent intentions of Lord Ripon were frustrated to no small extent by the undue conservation of Local Governments, as had to be acknowledged by Lord Morley in his despatch of the 27th November 1908. His Lordship urged that a decisive advance should be made but not with much result, if any indeed, in the ten years that have elapsed since he wrote. A little later was published the Report of the Royal Commission on Decentralisation, which gave considerable attention to the subject. Its recommendations were halting to a degree, and did not satisfy Mr. Gokhale for one. Even these have still to be given effect to in their entirety. The Government of India's resolution on the report of the Commission after correspondence thereon with Local Governments was issued in April 1915. It was a most disappointing document, especially in that it left practically to Local Governments after the abundant proofs that these had given during the long period of thirty-three years that it was not quite safe to leave the matter in their hands. An effectual and full advance must be made now in the direction of real self-government. In this connection I might well recall the weighty words of the late Sir Syed Ahmad Khan which have as much force to-day as they had when they were uttered in 1883 :—" I am one of those who believe the success of local self-government

will largely depend on those independent powers which may be given to Local Boards and District Councils. In fact, I feel certain that it may be conceded as a general principle that the more powers are given to those bodies the greater will be the enthusiasm, attention and zeal with which the members will discharge their duties."

8. Does Sir Bipin think that the idea of democratic or constitutional Government is foreign to India? Indians did not always live under despotism. The available information shows that they lived at least under popular rule. The will of the people counted for much with the ancient kings who governed with the aid of powerful ministers. The most recent historical publications support the view that Indians lived under civilized governments in which the wishes of the people were not dismissed as an impertinence or treated as a negligible quantity. The Hindu caste formed democracy by itself. The village communities of old have been described as little republics. Sir Bartle Frere said in a paper he read before the East India Association in 1871 on public opinion in India :— " Any one who had watched the working of Indian society will see that its genius is one to represent not merely election under Reform Acts, but represent generally by provisions, every class of the community and when there is any difficulty respecting any matter to be laid before government. it should be discussed among themselves. When there is any fellow-citizen to be rewarded or punished there is always a caste meeting, and this is an expression, it seems to me, of the genius of the people, as it was of the old Saxons, to gather together in assemblies of different types to vote by tribes or hundreds". Sir John Lawrence in 1864 said :— " The people of India quite capable of administering their own affairs, and the Municipal feeling is deeply rooted in them. Village communities, each of which is a little republic, are the most abiding Indian institutions. Holding the position we do in India every view of duty and policy should induce us to leave as much as possible of the business of the country to be done by the people ". Mr. Chisholm Anstey before the East

India Association said :— "We are apt to forget in this country, when we talk of preparing people in the east by education and all that sort of thing, for Municipal Government and Parliamentary government ( if I may use such a term ), that east is the parent of municipalities. Local Self government in the widest acceptation of the term, is as old as east itself. No matter what may be the religion of the people who inhabit what we call the east, there is not a portion of the country from west to east, from north to south which is not swarming with municipalities, and not only so, but like our municipalities of old they are all bound together as in a species of net work, so that you have ready-made to your hand the frame work of a great system of representation." So far, the case of reform has been stated and my countryman's criticisms as to our capacity for Local Self-government has been answered. I would, with your permission, reserve my further comments to a future issue.

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# Local Self-Government in India.

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A perusal of the Government of India Local Self-Government Resolution dated the 28th April 1915 shows that Local Self-Government in India has made very little progress since it was inaugurated in 1882 by Lord Ripon's Government. Indeed, during the last 34 years, the two main local self-governing bodies—District Boards and Mufassil Municipalities—have practically remained in the same condition. Neither has their constitution been improved nor has any fresh power or privilege been conferred on them. Nay more. The noble object which prompted Lord Ripon to bestow this boon on the people, namely, to teach the people self-government, has been but very imperfectly fulfilled. The causes of this deplorable result have thus been enumerated in the Resolution under notice :

“The obstacles in the way of realising completely the ideals which have prompted action in the past are still, however, by no means inconsiderable. The smallness and inelasticity of local revenues, the difficulty of devising further forms of taxation, the indifference still prevailing in many places towards all forms of public life, the continued unwillingness of many Indian gentlemen to submit to the troubles, expense and inconveniences of election, the unfitness of some of those whom these obstacles do not deter, the prevalence of sectarian animosities, the varying character of the municipal area, all these are causes which can not but impede the free and full development of local self-government.”

2. Strangely enough, the Resolution has omitted to mention the most important obstacle that stood in the way of the development of local self-government. It was official interference and the preponderance of official voice in the local bodies. And this happened though the memorable self-government resolution of the Ripon Government contained the following passages :

"It would be hopeless to expect any real development of self-government if local bodies were subject to check and interference in matters of detail; and the respective powers of Government and of the various local bodies should be clearly and distinctly defined by statute so that there may be as little risk of friction and misunderstanding as possible. Within the limits to be laid down in each case, however, the Governor-General is anxious that the fullest possible liberty of action should be given to local bodies".

3. "*The fullest possible liberty of action*" was, however, not given to the local bodies. As a matter of fact, the chief complaint against the smooth working of Municipalities and District Boards is official interference. In the majority of the Municipalities of Bengal and Central Provinces the chairmen are no doubt non-officials and two-thirds of their members elected; all the same they are practically at the mercy of the Commissioner of the Division. The latter is empowered to set aside even the unanimous decision of a Municipality. This is directly opposed to the intention of the Government of Lord Ripon who suggested that the Local Government, and not the Divisional Commissioner, should control the work of the Municipal Commissioners.

4. As regards the District Board not only is the District Collector its chairman, but the number of its officials and nominated members preponderate, over that of the elected in some provinces of India. It is in fact a semi-official body. If the two local bodies have thus not shown any marked signs of vitality and growth the people are certainly not principally to blame. The hostile attitude of the bureaucracy towards the further development of local self-government is all the more astounding as education has made such vast progress all these years.

5. The Resolution talks of the popular "*indifference towards all forms of public life*" in this country. But is it necessary to state why did not the public show any particular love for these two so-called local self-governing bodies? In addition to official interference there is the smallness and

inelasticity of local resources as admitted in the Resolution. Further, the works entrusted to the local bodies are of a petty character. There were 700 Municipalities in existence throughout India at the close of 1912-1913, with an aggregate income of Rs. 4,92,00,000, which means that the average annual income of an Indian municipality is only Rs. 7,000 ! The number of District Boards in 1912-1913 was 200, with an aggregate income of Rs. 5,68,00,000, that is, the average annual income of a district board was only Rs. 2,84,000. Not only are such small matters as road-making, water supply, primary education &c., entrusted to these local bodies but they are handicapped in all possible ways by official control. Need anybody wonder why they do not attract the best of our men under these circumstances ? They are bound to drag a lifeless existence so long more funds or sources of income and more real and serious responsibilities are not placed in their hands.

6. It will be remembered that the Decentralisation Commission of 1908 recommended certain reforms for the improvement of the District Boards and Municipalities. They were very modest; indeed, some of them provoked protests from the Indian public, even from the late Mr. R. C. Dutt who was the only Indian on the Commission and whose valuable suggestions were rejected by the majority of the Commissioners. If the Government had accepted even those reforms in their entirety and introduced them at once, local self-government might have made some advance in the right direction by this time. But, though eight long years have passed away since then, no steps have been taken to give effect to any of the recommendations. And at last the following announcement has been made by the Government of India in its resolution of 28th April 1915 :—

“ Local Governments and Administrations in general are prepared to advance in the direction of the main recommendations of the Commission. They propose in varying degrees to expand the electoral element in the constitution of local bodies, to extend the employment of

non-official chairmen in municipalities, to allow local bodies more ample control over budgets and freer powers of reappropriation, to concede increased authority to local bodies over establishments and to relax existing restrictions in regard to outside sanction for expenditure on works of importance. These changes will mark a real and immediate extension of the principles of local self-government."

7. So far as Central Provinces are concerned, the proposed reforms mean very little, of the 44 Municipalities in this Province, 10 have already got elected Chairmen; so only 34 municipal boards may benefit by this concession. The concession again, is conditional : for the local Governments are given the option of nominating a non-official to the chairmanship and allowing an official to stand for election to that office. The local Governments are also asked to make this change gradually and with caution. What this means need not be explained. Only an inconsiderable number of municipalities all over India will get the privilege, and the rest will remain in the same condition as before. For, power is so sweet that very few District officers, though overworked, will agree to part with a grain of it, by vacating their chairmanships, in favour of non-official Indians.

8. It would have been something if District Boards were allowed to elect their non-official chairmen, which was the earnest desire of Lord Ripon : but, when even the Decentralisation Commission did not make such a recommendation, it is idle to expect this reform from the present Government. The other changes accepted by the local Governments are of minor significance. The local Self-Government Resolution of Lord Hardinge's Government of the 28th April 1915 is thus a disappointment, pure and simple, and has naturally evoked no enthusiasm for it.

9. It is a pity that, in dealing with the question of local Self-Government, in its Resolution of 28th April 1915, the Government of Lord Hardinge altogether ignored the policy and principles so wisely enunciated in the memorable Self-government Resolution of the Government of Lord

**Ripon.** Here is a summary of the lines laid down in that document in constituting municipalities and District Boards:—

- (a) Members of the Boards should be generally chosen by election.
- (b) Boards were to be charged with definite duties and entrusted with definite funds.
- (c) Boards everywhere must have a large preponderance of non-official members.
- (d) The chief executive officers of towns, sub-divisions or districts should not be Chairmen or even members of the Boards.
- (e) Non-official persons should act, as a rule, as Chairmen of the Boards, with the approval of the Local Government.
- (f) Not only should every Board have the entire control of the proceeds of all local rates and cesses, levied within its jurisdiction for its own special purposes, but, along with the charge of any expenditure that is at present Provincial, should be transferred, where possible, the management of an equivalent revenue. The license tax assessments and collections, for example, to quote the words of the Resolution, might very well be made over to the Local Boards, municipal and rural.
- (g) As regards the control of the Government over the Boards, it should be exercised from without, rather than from within. That is to say, the Government should, to quote the Resolution, revise and check the acts of the local bodies, but not dictate them.
- (h) The executive authorities, in the opinion of the Governor General in Council, should have two kinds of control. In the first place their sanction should be required in order to give validity to certain acts, such as the raising of



loans, the imposition of new taxes, the alienation of municipal property, interference with religious matters or the public peace &c. In the second place, the local Government should have power to interfere in order to set aside altogether the proceedings of the Board in particular cases, or, in the event of gross and continued neglect of any important duty, to suspend the Board temporarily, by the appointment of persons to execute the office of the Board, who should re-establish the regular system and then a fresh Board should be elected or appointed. The power of absolute suppression would, however, require in every case the consent of the supreme Government.

- (i) At the outset the Governor-General in Council explains in the Resolution that, it is not primarily with a view to improvement in administration that this measure is put forward and supported. It is chiefly desirable according to His Excellency, *as an instrument of political and popular education*. The Governor-General in Council, therefore, calls upon the authorities *to foster* sedulously the small beginning of independent political life and accept loyally as their own the policy of the Government.

10. More than 30 years have passed away since the above principles of local self-government were declared by the Government of Lord Ripon but they have practically remained a dead letter up till now. They have been adopted to some extent in the case of Municipalities but very partially in that of District and Local Boards. A Municipality in a Mufassil town, however affords very little opportunity for learning self-government, as its area of jurisdiction is very limited. It is in the District Boards that our representative men can expect to get any effective training in the management of local affairs, as its jurisdiction

extends to the whole of the District. But both the Municipal and District Boards are so dominated by official control that as a rule, they are only mere apologies of a self-governing body.

11. The Government of Lord Ripon insisted that members of Boards should be generally elected and that Boards everywhere must have a large preponderance of non-official members. This rule has been observed only in the case of a number of municipalities, and violated in the case of District Boards. Again, the Ripon Government laid down that the chief executive officers of towns, sub-divisions or districts should not be chairmen or even members of the Boards and that non-official persons should, as a rule, act as chairmen of these bodies. What we, however, find is that out of 700 municipal chairmen in the whole of India, only 222 were elected non-officials; and the rest either nominated non-officials or elected officials. As regards the District Boards, many of them are under official chairmen.

12. The Government of Lord Hardinge admits in its Resolution that, with the spread of education, "*substantial progress*" in local self-government has been made since the time the Boards were constituted in the eighties. It further admits that "there is definite and satisfactory evidence of the growth of a feeling of good citizenship" in every province of India. That being so, why should not the reforms recommended by the Government of Lord Ripon be accepted now in their entirety? All classes of Englishmen, friends and foes, are speaking in rapturous terms of the unprecedented loyalty and sacrifice of the Indians at this crisis. Are they sincere in what they say? They have gone so far as to suggest that Indian loyalty and sacrifice will be rewarded by some sort of parliamentary government. But such is the love of the bureaucracy for the Indians that it would not allow them even to elect their own chairmen in petty public bodies like the District Boards, though more than three decades ago the then Government of India directed in an official document that they ought to be given such a privilege:—

13. It is now abundantly clear that Lord Hardinge's Resolution on local Self-Government has met with almost universal disapproval from the Indian press and public. The framer of Lord Hardinge's Resolution has described the policy to have been conceived in a spirit of prudent boldness. There is ample proof of prudence, no doubt—the standard prudence of bureaucratic mind, but of boldness there is none except it be in setting at naught the wishes, ambitions and aspirations of the people.

14. The Decentralisation Commission submitted its recommendations in 1909 on a variety of subjects. The Government of India considered them all years ago but reserved those relating to local self-government to be taken up last. The Supreme Government perhaps took so much time to give them a very laborious consideration but like the mountain in the fable did not produce any very attractive thing.

15. The method of Government of India in dealing with this momentous question is summed up in the following words which appeared in the Resolution: "The Government of India have decided to accept in almost every case the conclusion of the Local Governments or administrations as to the degree of progress possible at the present time." In the pursuit of this traditional, bureaucratic method the Government of India could not be expected to arrive at a better result. But we beg to ask—Are the opinions of the people of no value whatever? Are they not entitled to the honour of even a passing reference? This contempt of popular opinion might have suited the Government in days gone by, but we thought better state of things had dawned for the country.

16. Lord Hardinge's Resolution took a bird's eye view of the system of local self-government since 1850; it praised the principles laid down by Lord Ripon and advocated a further advance. But to our surprise we find that no advance has really been favoured. No attempt was made to give practical effect to the principles laid down in

the famous Resolution of 1882, an advance upon them being out of the question. The true test of the local self-government is the power and authority given to the people. Judged by this and only test the present declaration of policy by the Government will be found to be a big failure.

17 There are three cardinal questions involved in a scheme of local self-government, viz, substantial majority of elected members, election by the members of non-official chairmen and substantial relaxation of official control. Except in the case of municipalities many of which have long enjoyed the first two privileges, the Government of Lord Hardinge has conceded nothing new. It has left these important matters to the discretion of the local Governments and we know to our cost what it means.

18. Lord Ripon followed a very different course. He tried to force these principles upon the unwilling local Governments and refused to be guided by them. He did not remain here sufficiently long to embody his views in an Act. Hence the Act which was passed is a travesty of the principles which he had enunciated.

19. It is notable that in many respects the Government of India has not even accepted the halting recommendations of the Decentralisation Commission. The report of the District Administration Committee was referred to but the specific recommendation by the Committee in regard to the organisation of the village system was not openly discussed though it appears that the Government of India does not favour it. It has never been our misfortune to read more non-committal, irresolute resolution of the Supreme Government. Some progressive principles were discussed but the conclusion arrived at in almost every case is one in which nothing was concluded. The local Government has been invariably made the arbiter of the situation. We confess we do not see much boldness in this attitude and of prudence the less said, the better.

20. If the Government of India have promulgated a Resolution on Local Self-Government dated 28th April 1915,

so has the State of Mysore. How different is the matter, tone and spirit of the two documents! The Government of India would not allow the District Board to elect its own chairman, or have control over its own affairs, but just mark what the Mysore Government Resolution proposes to do. "The goal of our system of local administration is to entrust the entire responsibility for the management of local affairs to local bodies, thoroughly and wholly representative of the people, with sole powers to elect their own Presidents and Vice-Presidents, raise the necessary funds, determine the conveniences to be provided, and appoint and control the executive staff necessary to give effect to their resolution".

"In that ideal scheme the immediate corrective forces for the local bodies would be local public opinion and action against them in the State Courts, and the State would act only as a co-ordinating, guiding and assisting influence, and exercise its control from without rather than from within. It would be entitled to keep itself informed of the actions of local bodies but would step as a corrective influence only in cases of gross abuse, when the larger interests of the nation demand such intervention".

21. The above is evidently based on the ever-memorable and epoch making Self-Government Resolution of Lord Ripon. The Government of that illustrious Viceroy offered to confer on the people of India all the privileges which the Maharaja of Mysore is going to give his subjects. That was thirty years ago. Since then the people have made vast progress in education and public spirit. But, though in the opinion of the rulers in the eighties, they were fit for real local self-government, they are not competent, in the opinion of their successors of the present day, even to have their own chairmen or the majority of elected members in the District Board, though three decades have passed away since then.

22. The Government of Lord Ripon was specially keen in respect of the presence of the chief executive officers on the Board. His Excellency thus expressed him-

self on this point in his Local Government Resolution of 1882: "That so long as the chief executive officers are, as a matter of course, Chairmen of Municipal and District committees, there is little chance of these committees affording any effective training to their members in the management of local affairs, or of the non-official members taking any interest in the local business. The non-official members must be led to feel that real power is placed in their hands, and that they have real responsibilities to discharge..... There is this further objection to the District officer acting as Chairmen, that if the non-official members are independent and energetic, risk may arise of unseemly collision between the Chairman and the Board. The power would be in a far more dignified and influential position if he supervised and controlled the proceedings of the Board from outside as arbiter between all parties, and not as leader of any".

23. Who can dispute the soundness of the above remarks? The experience of the past three decades shows that the Government of Lord Ripon spoke like a true prophet. When the District Boards in Bengal and other provinces were first constituted in 1884, numbers of really representative men joined them as elected members. They, however, came into collision with the official Chairmen on account of their independence and superior knowledge of the country, and they gradually left the Boards in disgust with the result that, they were replaced by a class, of men, the majority of whom were mediocre and sycophants. If the injunction of the Government of Lord Ripon were faithfully carried out, the District Boards would not have degenerated into their present deplorable condition.

24. The educated Indians to a man think that they have sufficiently advanced under British Rule to deserve some form of Parliamentary Government. Englishmen of all classes have now warmly echoed this sentiment. Is it not, therefore, tantalizing the feelings of the whole Indian nation to tell them that they are yet in such a backward condition that they cannot be trusted even with the indepen-

dent management of their local affairs? Are they not at least as enlightened as the subjects of the Maharaja of Mysore? His Highness is going to permit his people to constitute their own boards and elect their own presidents and vice-presidents. The sole management of local affairs, without any official interference is to be placed in their hands. They will raise the necessary funds and appoint and control the executive staff necessary to give effect to their resolutions. When will the British Government, which has been governing India for upwards of 150 years, introduce even such a small measure of reform into this country? If the Local Government Resolution of Lord Hardinge's Government dated the 28th April 1915 is a foregleam of the new angle of vision I am bound to say that it is yet several degrees off from being the right angle.

25. I understand that the Government of India will publish in this week a comprehensive resolution on the question of the working of the local self-government. The resolution is to govern the entire ground and it is apparently conceded that the policy of local self-government should be brought into line with the larger question of constitutional reform. The country is in no mood to put up with resolutions which merely record pious platitudes. What is determined to have, as far as this question at least is concerned, is the immediate grant of full and complete local self-government. In this matter there can be no delay, no discussion and no compromise.

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# Memorandum submitted to the Franchise Committee.

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I am a landholder, Malguzar, elected member of the Nagpur District Council and Ramtek Local Board, proprietor of Manganese Mines, Tile and Brick-fields. Honorary Magistrate of Kamptee, income-tax payer and employer of large number of labour.

I. I suggest the following qualifications for electors :—

- (a) All tenants paying a rent or Rs. 10-0-0 of over per annum.
- (b) All Malguzars.
- (c) All incometax payers.
- (d) All educated classes (having the educational qualification of reading and writing any language).
- (e) All depressed and labour classes who earn wages of Rs. 8-0-0 and over per month.
- (f) All persons holding household property of the value of Rs. 50-0-0.
- (g) All Municipal Committees, District Councils and Local Boards.
- (h) Graduates of any recognised University in the British Empire.
- (i) Commerce and Industries.
- (j) Europeans, Anglo-Indians and Christians.
- (k) Mohamedans.

II. The above constituencies from (a) to (f) shall form into one constituency for each revenue District and directly elect a certain number of members to the Provincial and Imperial Legislative Councils.

III. The four Divisions of the Central Provinces shall form into four electoral Districts for clause (g) above.



IV. The four Divisions shall form into four electoral Districts for clause (h) above.

V. The whole province shall form into one electoral District for clause (i) and (j) above.

VI. Revenue Districts shall be made electoral Districts for Mohamedans if possible otherwise Revenue Divisions may be so treated.

VII. I am opposed to any special or communal electorates except what I have stated above.

VIII. I suggest that the officials shall be nominated to the Provincial Legislative Council and five non-official members to represent the minorities if any.

IX. The distinction between the regulated and non-regulated or Major and Minor Provinces should be abolished.

X. The Provincial Council for the first two elections should consist of 75 Members of which four-fifths shall be nominated. After the first two elections the number may be raised equal to that of Major Provinces.

XI. The representatives of the electoral Districts to be constituted as follows :—

1.	Nagpur	...	...	...	...	...	6
2.	Wardha	...	...	...	...	...	2
3.	Chanda	...	...	...	...	...	1
4.	Bhandara	...	...	...	...	...	2
5.	Balaghat	...	...	...	...	...	1
6.	Jubbulpore	...	...	...	...	...	3
7.	Sangor	...	...	...	...	...	2
8.	Damoh	...	...	...	...	...	1
9.	Mandla	...	...	...	...	...	1
10.	Seoni	...	...	...	...	...	1
11.	Hoshangabad	...	...	...	...	...	2
12.	Narsinghpur...	...	...	...	...	...	1
13.	Chhindwara	...	...	...	...	...	2
14.	Betul	...	...	...	...	...	1
15.	Nimar	...	...	...	...	...	2
16.	Raipur	...	...	...	...	...	3

17.	Bilaspur	...	...	...	...	...	3
18.	Drug	...	...	...	...	...	1
19.	Nagpur Municipality	...	...	...	...	...	1
20.	Jubbulpore Municipality	...	...	...	...	...	1
21.	Four Divisional Municipalities one each	...	...	...	...	...	4
22.	Four Divisional District Councils one each	...	...	...	...	...	4
23.	Four Divisional Graduates one each	...	...	...	...	...	4
24.	Commerce and Industries	...	...	...	...	...	1
25.	Europeans, Anglo-Indian and Christians	...	...	...	...	...	1
26.	Mohamedans...	...	...	...	...	...	9
27.	One expert to be nominated by the Council	...	...	...	...	...	1

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Total     ...     60

XII. All elections should be made on the basis of one man one vote, provision being made for as many polling stations as possible so that it may be within the reach of poor and rich alike. Literacy should for the present be waived till illiteracy is banished from the province. The election shall be made by ballot which is recognised in every civilized country. This will avoid lot of evils.

XIII. I propose the same franchise for the imperial Legislative Assembly as suggested for the Provincial Legislative Council. This election made directly by the above electors. I am totally averse to the indirect election as that system creates many evils. The Imperial Legislative Assembly shall consist for the present one hundred and fifty members of which four-fifths shall be elected and one fifth shall be nominated.

XIV. At least half the members of the Council of State shall be elected jointly by the Imperial Legislative Assembly and Provincial Legislative Councils and the other half shall be nominated by the Government from amongst the officials and non-officials.

## Supplementary Memorandum Submitted to the Franchise Committee.

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I. If the strength of the Imperial Legislative Assembly is fixed at 150, the Central Provinces shall be allotted not less than twelve members to be elected as follows :—

- 2 Members by the Landholders by direct election.
- 2 Members by the Incometax payers by direct election.
- 1 Member by the Graduates by direct election.
- 1 Member by the Mohamedans by direct election.
- 1 Member by the Commerce and Industry by direct election.
- 1 Member by the Nagpur University.
- 1 Member to be elected by the Provincial Council.
- 1 Member by the Municipalities.
- 1 Member by the District Councils.
- 1 Member by the registered voters of the City of Nagpur being the Metropolis of the Province.

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Total 12

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II. The Central Provinces shall at least be allotted two members to be elected to the Council of State.

III. It would not be out of place for me to mention here one more salient fact regarding the Cantonment of Kamptee. A Municipality was established in this town in the year 1865 and it continued to be so till the year 1888. But unfortunately it was abolished in the year 1888 by Sir Alexander Mackenji, the then Chief Commissioner of this Province. Since then the people of this town have been disfranchised. The population of this town is about twenty thousand. The

annual income of this town is over a lack of rupees which consists mostly of the taxes recovered from Civil population of the town. The first principles of the representative and responsible Government are no taxation without representation. When the whole country has been enfranchised, is it not unreasonable that the people of Kamptee should be still kept in bondage in these democratic days? If the franchise is granted to the civil population of Kamptee, it is most essential that its foundation should be laid broad and firm. That foundation is the establishment of a Municipality for the Civil population of Kamptee. The Cantonment proper shall be separated by the Baghdora Nala where the Cantonment Code may still be kept in force. Municipality is the national atheneum of political and popular education. The late Sir William Hunter, said in a speech on Indian finance at Bermingham in December 1879 :—

“I do not believe that a people numbering one sixth of the whole inhabitants of this globe and whose aspirations have been nourished from their earliest youth on the strong food of English liberty can be permanently denied a voice in the Government of their country. I do not believe that races among whom we raise a gross revenue of sixty millions sterling and into whom we have instilled the maxim of no taxation without representation as the fundamental right of a people can be permanently excluded from a share in the management of their finances. The children whom we have trained in these ideas are now the grown-up men whom the Indian administration has to deal. We have planted the *tree of political aspirations* in India; the tree has very nearly reached the roof. Unless you give play to its growth, the day will come when either its top will burst through the roof or you will have to cut down with sharp steel the fair tree which your own hands have planted. Gentlemen I say, while there is still time, take off the roof.”

IV. It is on these principles that we, the residents of Kamptee, claim for the establishment of a Municipality which would strengthen the franchise. I would therefore

suggest that a Municipality shall be established at Kamptee for the civil population who pay most of the taxes. The civil population of Kamptee shall be conceded a similar franchise as the other population of this province to take part in the election of members to the Provincial Legislative Council and the Imperial Legislative Assembly. The franchise Committee shall give a sympathetic consideration to their long-standing grievance and remove the badge of helotry hanging over their heads.

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# Memorandum Submitted to the Committee on Division of Functions.

## Provinces.

I am a landholder, Malguzar, elected member of the Nagpur District Council and Ramtek Local Board, Proprietor of Manganese mines, Tile and Brick-fields, Honorary Magistrate, Kamptee, incometax payer and employer of labour.

I. The reserved subjects in this province shall be law, justice and police subject to the condition that

- (a) A Chartered High Court shall be established in the Province.
- (b) All judicial appointments should be held, as in England, exclusively by members of the Bar and at least half of them shall be Indians. The salaries of Indian and non-Indian judges shall be equal in all grades of Judicial appointments.
- (c) The Judiciary and Executive functions shall be completely separated at once and the subordinate judiciary shall be placed under the direct control of the High Court of this province as regards to discipline and promotion.
- (d) The Judiciary shall be entirely independent of the Executive in the matter of administration of justice.
- (e) That trial by Jury system shall be introduced throughout this province and the jurors shall be elected by the people on certain qualifications to be fixed by the Legislative Council.

II. All other subjects shall be transferred subjects under the control of Ministers.

III. The Provincial Legislative Council shall legislate in respect of all matters within the jurisdiction of Provincial

Government, including Law, Justice and Police, but where the Government is not satisfied with the decision of the Legislative Council in respect of matters relating to Law, Justice and Police, it shall be open to the Government to refer the matter to the Government of India. The Government of India may refer the matter to the Indian Legislature, and the ordinary procedure shall follow.

IV. The retransfer of transferred subjects to the list of reserved subjects in the case of mal-administration shall only take place with the sanction of the Parliament.

V. The Budget shall be under the control of the Legislature subject to the contribution to the Government of India, and during the life of reformed Council, to the allocation of a fixed sum for the reserved subjects : and should fresh taxation be necessary it should be imposed by the Provincial Government as a whole for both transferred and reserved subjects.

- (a) The Legislative Council should have power to make, or modify, its own rules of business and they shall not require the sanction of the Governor-General or the Governor.
- (b) There should be an obligation to convene meetings of the Council at stated intervals, or on the requisition of one-fourth of its members.
- (c) The Governor shall not have power to summon either part of his Council separately.

### **Government of India.**

VI. That a system of reserved and transferred subjects similar to that proposed for the provinces, shall be adopted for the Central Government.

VII. That the reserved subjects shall be foreign affairs, (excepting relations with the Colonies and the Dominions) Army, Navy, Foreign and Political relations between the Government of India and other powers, Relations with the Indian ruling princes, including the declaration of war and entering into treaties and matters directly affecting the public peace, tranquillity and the defence and safety of the

**Country, and that all other subjects shall be transferred subjects.**

**VIII.** The allotments required for reserved subjects shall be the first charge on the revenues.

**IX.** The budget in the Legislative Assembly shall follow the same procedure as the Provincial Budget *mutadis mutandis*.

**X.** All legislation shall be by Bills introduced in the Legislative Assembly provided that if, in the reserved subjects, the Legislative Assembly does not pass such measures as the Government may deem necessary, the Governor-General in Council may provide for the same by regulations, such regulations shall be in force for one year, but not to be renewed unless 40 per cent of the members of the Assembly present and voting are in favour of them.

**XI.** The Legislative Assembly shall have power to make, or modify its own rules of business, and they shall not require the sanction of the Governor-General.

**XII.** There should be an obligation to convene meetings of the Council and Assembly at stated intervals, on the requisition of one-fourth of its members.

**XIII.** The certificate of the Governor-General shall not apply to matters other than reserved subjects and only in cases directly affecting the peace, tranquillity and safety of the country.

**XIV.** The Governor-General in Council and not the Governor-General alone should have the power to pass ordinances.

**XV.** It is essential for the welfare of the Indian people that Indian Legislature should have the same measure of fiscal autonomy as the self-governing dominions of the Empire possess.

**XVI.** The Governor-General shall not have power to summon either part of his Council separately.

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# Addressed at Kamptee on the Occasion of Armistice Cele- bration Day.

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( 27th November 1918 ).

LADIES AND GENTLEMEN,

We the citizens of Kamptee have assembled here to-day to celebrate the Victory which after four long years of world-wide agony and suffering, the Allies have at last won. This was a war on such stupendous scale the like of it has never been fought in the past history of the world. It has literally been a war which has been fought in the four continents and seven seas and practically the whole world was divided into two opposing camps. Whether we think of the many millions of men who fought, of the vast armaments of destructive weapons employed or the intensity of the conflict between rival principles of might and right, we may justly claim that all the great wars of the past have been dwarfed by the Armageddon from which the greatest powers have emerged, exhausted, bloodstained and impoverished by ungrudging sacrifices of noble lives and untold wealth treasure. No wonder the whole world rejoices at the return of peace, for which it had been panting all these years; more than once in the history of the past four years the Allies had looked forward to complete and speedy victory. But hopes proved elusive and victory seemed to be at a great distance. Russia collapsed and unrestricted submarinism menaced the chances of the Allies ever obtaining a victory. But unrestricted submarinism did one good thing. It threw the weight of the American nation into the scale on the side of the Allies and from that time forward victory practically became assured. But the military genius of Field Marshall Foch and the gallantry of the mighty

hordes fighting under him would have availed but little, if the American army could not have been transported into France. That stupendous task in the face of relentless submarinism was accomplished by the British Navy. It has been a wonder of wonders how these vast American hordes could be literally poured into the French soil at the mighty speed at which it was done. The part that the British Navy performed in the war that just ceased is the one that is least understood by common people, and some even thought at the time that the naval battle of Jutland was at least indecisive if it was not a positive defeat. But very few realised that the victory of the British fleet in the battle was as decisive in its effects as that of Trafalgar. After that defeat the German Navy never again ventured into the open waters of the sea. It was the pressure of the British Navy since August 1914, and the blockade of Germany by the British Navy which produced in that country a volume of suffering and distress which made any humiliation preferable to the continuance of the war. If the blockade has not been made effective in the way in which it was actually done, the war could have dragged on for a long time. It was the power of the British Navy that gave British Empire time to arrange its unlimited resources of men and munitions the wight of which has ultimately prevailed and the triumph of democracy has been secured over the spirit of the military autocracy represented by Prussian junkerdom. It strikes me that the downfall of Germany is the least part of the victory that the war has brought in its train. It is the defeat of junkerism in all its phases that we are thankful for. It is the crushing of the spirit of domination and the downfall of brute force which is the essential outcome of the war. The Allied victory if it means anything at all, means in a greater degree the evolution of a larger and free humanity: just in the same way that the French Revolution with all its horrors and destruction expanded the idea of liberty, fraterinty and equality throughout the civilized world and distinctly structured our individual thoughts, and affected the atmos-

phere of our legislatures. The present war with its carnage, death, destruction and untold misery and yet with its selfless heroism, its sublime self-sacrifice and its magnificent and ungrudging charities, unparalleled in the annals of humanity, will lead us through the spirit of self-determination to a better and a more unselfish world in which, black or white, we shall all feel that after all as the children of the One, the same and only God we are equal sharers to His Great Inheritance.

We, Indians, may well congratulate ourselves that no mean share of work has been performed by India as a component part of the British Empire. It was by the free shedding of Indian blood that in the critical opening stages of the war the Indian contingent in France stemmed the onrush, of the Germans, whilst Kitchner's Army was being made ready. In Mesopotamia, Palestine and East Africa our Indian Armies have played a most distinguished part. India was bled white of her troops and showed how loyal she strove in this war of righteousness. The result of it ought to remain for ever as a warning to ambitious rulers and Kings that might is not right. The world is now entering a new phase of existence. There are problems of reconstruction of immense importance confronting us. We have the assurance of Prime Minister that in the negotiations for peace India's needs will not be overlooked. Our illustrious countryman, Sir, S. P. Sinha will take part in the coming deliberations, the first time in the history of this country under the British suzerainty when India has been accorded such an honour and privilege at an International Conference. The future is full of hope and the dark and stormy night which had settled down on the world for the last four years has now receded. We offer our grateful thanks to the Almighty for the peace that is now in sight.

"We could not return to the old conditions" was the burden of the striking speech which the Premier recently delivered in London. The old must be held as dead and buried and on its ashes the new will rise, ushering a bright era of progress and prosperity to humanity. In India, as

in every other country, the old has been tried in the balance and found wanting by the higher standard of the present times. As the Prime Minister truly said on a former occasion, the world moved in the track of centuries during these four years of eventful days. The old finds itself hopelessly out of place and out of date in the new scheme of things. The nobler forms of life with sweeter manners and purer laws are the crying necessities of the new conditions. In standing still there is death but in return to the old conditions in these spacious days, there is something even worse than death. Now that curtain has dropped on the greatest drama in the world's history; let us hope, the old conditions have departed, never to return again, making room for the new, the progressive and the ennobling.

We have rung out the four years of war and rung in the thousand years of peace. Let us hope that with the ghastly spectre of the war will also depart the darkness of the land, due to ignorance, disease and destitution. Poverty stalks abroad in the land attended by chronic want, semi-starvation, physical ailments, bad housing, overwork and economic deterioration of an appalling kind. Diseases made such depredations that the inhabitants died like cattle and hardly anything has been done to prevent this decimation of our resources in a teeming population. Unless some steady course of deterioration is arrested, we are afraid, the middle and poor class will soon be swept out of existence.

"Another war revelation," remarked Mr. Lloyd George, "was that industrially we were unorganised. This would have to be changed in the future. The state had almost completely neglected agriculture." But here in India, not only we are utterly unorganised from the Industrial point of view, but abjectly dependent upon other nations for ministering to our ordinary requirements. If the lessons of the war and the Report of the Industrial Commission wake up the Government to the gravity of the situation in this respect, and to the necessity of fostering industries by its initiative, subvention or active encouragement, there is some

hope yet of relieving our shameful industrial backwardness. But if no forward policy be pursued, then woe to the people who will have to depend as ever upon the accommodation of foreign nations whose interests are not identical with ours. Our agriculture has been completely ignored and so the pristine methods prevail, which make an utterly inadequate return for the worker's labour. In point of agriculture, it may be said that we are centuries behind the times. However, the war has revealed the enormous leeway that has to be made up in this and other respects. Let us by whole-hearted conviction accept in their fulness the lessons of the war. Let us not fall again into the old pit-falls of mistake, the antiquated grooves of former days. We earnestly hope therefore, that the end of war will find the Government prepared for the larger issues and to respond adequately to the new demands of the times. The old is dead and gone. Let us install the new in its place in all its majesty.

God save the King.

Three cheers to the King-Emperor.

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## National Qualifications for Self-Government I.

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Spirit of toleration, law, and order, is, as must be universally acknowledged, the very plinth and foundation of all true democratic government. A people who lack this spirit, and in proportion they lack it, must be judged unfit for real self-rule. A people who has this spirit, yet do not possess a truly democratic form of government among them, must be said to owe this deprivation to accidental historic causes and not really to their inherent incapacity for it.

Indeed, under circumstances, the very high moral and spiritual qualities which long training in habits of toleration and obedience to law and order universally develop in a people, may render them liable to be overcome by the forces of intolerance and oppression of lower cultures. It happened in the case of ancient Rome which was overcome by the barbarism of lower cultures in the early centuries of the Christian era. The Roman people were trained to an orderly life and culture, to which the Gauls, and the Goths and Visigoths who overran the Roman Empire were more or less complete strangers. Not Roman luxury and the physical and moral deterioration which the luxurious living of the later Roman Empire led to, made it a more or less easy victim to the barbaric forces that fell upon it. The real cause, we think, was the very spirit of law and order which the Peace of Rome had developed in the Roman people. The luxurious excesses of these people were themselves a more hand-maid of this very spirit and law and order. Every higher culture which is brought into any sudden physical contact and conflict with a lower culture, always suffers in this way for their higher civilization and the spirit of order and law with which it is bound up. It happened in our case also. This fact has not been recognized by our European critics.

Be that, however, what it may, there can be no question about the far more peaceful and orderly and law-fearing na-

ture of the people of India than that of the so-called democratic nations of Europe or America. Nor can it be said that this fear of the law is born of any physical cowardice of the Indian peoples. They are much less afraid of physical pain and far less influenced by considerations of physical loss than any European or American people. Ignorant Europe has called it our fatalism, we know it to be our larger faith in the realities of the spiritual life. Death has much less terror for our people than it has for our white brothers, because we have an innate belief in immortality. Our people are not therefore afraid of death, but they are afraid of doing anything which is against what they call "Dharma". The true rendering of this "Dharma" is not religion, but law. It is both social law and order as well as that spiritual law and order of which this social law and order are only a counterpart and outer expression. And it is because the European nations have not had any training in this "Dharma", in this conception of the unity of the social and the spiritual order, that all their experiments in democratic self-rule have so far been more or less a failure.

Our British masters take pride in their spirit of freedom and their capacity for self-government. But it is being increasingly recognised now that the masses in Great Britain no more govern themselves than the masses in India or any other dependent or despotic country. Great Britain is really governed by an oligarchy who occupy the two front benches in the House of Commons. Mr. Cecil Chesterton and Mr. Hilaire Belloc have conclusively demonstrated the fact in their illuminating brochures on the Party System of Government in Great Britain. All vital questions are settled by these two front benches by mutual consent and consultation, while it is only upon less fundamental externals that the Liberals and Conservatives keep up a big show of mutual opposition and conflict. Indeed, the Liberals in office are as much conservatives in regard to all things that really matter as their political rivals. And the Conservatives, it is notorious, have carried out almost as many truly liberal measures, if not indeed more, as the Liberals themselves have done.

And in this way these two front benches manage to keep all real power in the country practically in their own hands.

As regards the British masses, it is ignorant conceit alone which can claim greater intelligence, or higher education, or a more intelligent understanding of, or interest in public questions, for them than what is found in the masses in India. Man for man, the Indian is immensely more intelligent, has quicker perceptions, and can understand things more easily when explained to him than the British. As regards interest in public questions, if the Indian is lacking in it, it is only because he has no call to discuss and understand these. But whenever any question touches his inner life intimately, as we found on the occasion of the Curzonian Partition of Bengal, or as was seen in every part of India during the Consent Bill agitation in the early nineties of the last century, he shows a livelier and far more intelligent interest in these affairs than what is shown by the British electorates in regard to the various issues before them. Votes are given by the vast majority of the British voters more frequently upon considerations of personal profit or party attachment than upon any real appreciation of the fundamental issues placed before them by the party leaders and the stump orators. At one time elections were decided by the power of candidates to liberally treat the voters at the local "pubs" and to soften the palms of the wives of the voters by small presents. Some times the fortunes of rival candidates have been decided by the beauty and charm of manner of their wives and daughters. And to-day, possession of motor cars has a very potent influence in determining the votes recorded in favour of a successful Parliamentary candidate. All these are surely not very convincing proof of the capacity and superior training of the British voter in the art of true self-government.

In fact, what is the real value of all these pretensions in the face of the scenes of violence and lawless disorder that are being enacted at this very moment in different parts of Great Britain, wherever honest people desire to publicly meet and discuss the question of peace? Honest advocates



of a reasonable peace with the present enemies of Great Britain are called "peace cranks," and whenever they seek to educate public opinion by orderly exposition of their views, rowdy crowds of civilians and soldiers come and break up their peaceful gatherings by force, and offer not only insults to their leaders but even physical violence to their ladies. At a recent peace meeting in Walthamstow in the suburbs of London there was an exhibition of this spirit of toleration and law and order, by a representative London gang composed of both civilians and soldiers. This meeting was attended by our friend Mr. Ramsay Macdonald and Mrs. Philip Snowden the wife of another well-known member of Parliament belonging to the Independent Labour Party. After the proceedings had commenced, and while Mrs. Philip Snowden was speaking, amidst great interruption, "a number of soldiers entered the building," and we read that "from that moment great disorder prevailed". The chairman vainly appealed for "order" and declared that a number of people wanted to hear the speakers, to which the soldiers shouted "no, no". Replying to Mr. Ramsay Macdonald one of the men in khaki shouted, "Let him go and talk that stuff over on the Somme."

As the uproar increased, several of the soldiers made a rush at the platform, and the speakers, audience, and reporters were thrown into the utmost confusion. One press representative received some injury in the melee. The reporters' table was lifted high in the air and dashed aside. The soldiers rushed at the speakers, and seizing Mr. Ramsay MacDonald, hurried him out of the building. A second later the chairman was treated in a similar manner. Meanwhile the people were shouting and moving about. The soldiers gained complete possession of the platform, and, beating time with their canes, sang "Rule, Britannia" followed by "Gods ave the King"! The meeting was absolutely broken up.

We ask our critics, including Lord Sydenham, if these furnish convincing proofs of the superior capacity and training of our British brethren in the art of self-government?

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## National Qualifications for Self-Government II.

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The contention of our European critics that India is infinitely less fitted for self-government than the modern democracies of Europe and America, is based, it seems to us, upon a great deal of ignorance and confusion of thought. In the first place, these critics do not seem to have a clear idea of the real requirements of democratic self-government; in the second place they are absolutely ignorant of Indian history and Indian character.

What are the conditions of the real democratic Government? The first of these is regard for the rights of others. This is a fundamental condition. Unless a democracy is trained to pay as much regard to the liberties and rights of other people, democratic Government degenerates into an intolerable tyranny of the majority over the minority. And it is notorious that in every modern democracy in the west, this hateful form of tyranny has become more or less intolerable.

Intolerance of difference of opinion has been a most familiar and painful feature of the history of religious opinion in Christendom. It was a very familiar feature, indeed, of that Greeco-Roman civilization out of which modern European society and civilization have evolved. They poisoned the heretic in Greece. Socrates was condemned to drink hemlock for his free and profound speculations into the mysteries of man and God. In some the Christians were thrown into the claws of tigers and lions. In Christendom itself, when Christianity became associated with the power of the State in Europe, those who were suspected or convicted of cherishing or preaching any ideas or doctrines not acceptable to the Church, were burnt at the stake and crushed under the rack.

Records of Charstian persecutions of the heretic are full of examples of refined cruelty and torture which would shame even the most barbaric and primitive culture. These things happened not only in the early Christian centuries but even so late as the fifteenth and sixteenth centuries. When every creed and ideal was put in the melting pot by the French Revolution, and the down trodden proletariat in France first and gradually in other parts of Europe later on, rose up in revolt against their rulers and proclaimed the coming of the millennium in the name of Equality, Fraternity and Liberty; even then this ancient spirit of intolerance manifested itself under new forms in the persecution of the rich by the poor and the new gospel of political salvation and popular freedom found in the guillotine the same ready instrument of its propagation, as the earlier gospel of salvation through the blood of Christ found in the rack and the stake. And with all this training and inherited instincts, European democracies cannot reasonably claim one of the most fundamental qualifications for true self-government.

By heredity and training India has this qualification in a much greater measure than any of the modern nations of Europe. We have never had those propagandist methods that are so familiar to European history. Toleration has been the key-note of our religion and culture. Until we came under the enlightened influence of modern European thoughts and ideals, and commenced to imbibe the spirit of that absolutism which is the common characteristic of all credal religions, we never had any serious religious fights or feuds among us. The Hindus were never interfered with in the pursuit of their own religions by their Mohomedan neighbours, nor did these, after they had imbibed the Hindu's spirit of universalism and toleration by continued association with him in social and trade life, seek to needlessly outrage the sentiments of their Hindu brethren by offensive parade of the peculiar rites and ceremonies of their religion.

Indeed, it is well-known that in many parts of the country, and more particularly in Bengal and we believe also in the Punjab, lower class Mohomedans not only tolerated, but

even participated in the popular Hindu festivals, even as the lower classes of Hindus participated in popular Moslem festivals. It was only the activities of mischievous emissaries of a new and revived iconoclasm in Islam born under the alien influences, and an equally mischievous movement among a section of Hindus who too caught the common contagion of the intolerant absolutism of Christianity, that the old relations between the two brother communities of India were sometimes rudely disturbed in certain localities.

Others there have been who took a very great difference among us. But for these alien short-sighted views of the Indian situation, and these directly or indirectly fomented influences and inferences, we would have still fully and universally maintained our traditional spirit of toleration and respect for the rights and liberties of our neighbours in every department of life. And we hold that this fundamental qualification of true democratic self-rule exists in a much larger measure and in a much higher quality among us in India, than it was ever found before or is even found today among the so-called democratic nations of Europe and America.

Democracy should be an incarnation of the Spirit of Freedom in the highest, truest and widest sense of the term. It should be an incarnation of the Spirit and Order in the same highest, truest and widest sense. And It should be also an incarnation of the Spirit of Co-operation in the same truest and widest sense of the word. These are the essentials of real Democratic Freedom and Self-Government.

And we put it to our critics to honestly say if in these essentials India is in any way an inch behind any of the so-called self-governing peoples of Europe and America. Take, for instance, the Spirit of Order. Respect for law is the primary element of it. A people who have got this Spirit of Order in them, can never be wantonly lawless. And is it not admitted by friends and foes alike that there is no more law-abiding people anywhere in our present civilization than the people of India? The miracle of a handful of foreign officials, aided by handful of Indian policemen,

keeping order in such a vast continent, peopled by a teeming and diverse population, has been possible only and absolutely owing to this inherited spirit of order and readiness to obey lawful authority of our people. In America which prides itself upon being the most advanced democracy in our day, they frequently evince their sacred regard for law and order by the application of what is known as Lynch-law. We never had the rack and the stake in the past to help the salvation of the heretic; and neither are we acquainted with this Lynch-law for helping the civilization of coloured criminals.

Next to America Great Britain counts herself as the most sober and well-behaved democracy in the world. Great Britain has grown, we are told, into this high democratic ideal and life through centuries of training and experience. And we are promised a similar form and measure of democratic freedom when we have received the same centuries of democratic training and the same experience of the highest forms of civil and social freedom. Yet, even Great Britain herself, though she has no traditions of a Captain Lynch, can hardly be said to have developed the highest spirit of freedom and order in her populations.

Disorder breaks out among our democratic masters at the least little appearance of religious and political differences. Not many years ago, a great difference arose inside the Church of England, the recognised State-Church of the United Kingdom, between the High Church and Broad Church, over what is known as "ritualism." Some of the clergy belonging to the Church of England commenced to affect what were called Romish ways, in their dress and in the rites of the Church. Others were opposed to these externals. And a great conflict arose over this matter. And an anti-ritualist demagogue of the name of Kensit, rose up in the name of that freedom for which his fathers had bled, to cure and purge his country and his Church of this recrudescence of what he called Popery by organised physical opposition and disturbance. Church meetings and divine worship were being disturbed and sometimes even broken up, by the follow-

ers of Kensit ; and if there were no widespread and murderous riots over these it was not due to the toleration of those who were thus persecuted by the Kensitites but only to their feebleness of regard for the sanctities of the religious life than what we know among our own Hindu or Mahomaden masses.

As in their religious life, so also in their political life, our masters, the puissant British Democracy, have yet to possess that spirit of Order which is so essential for the success and perfection of true democratic life and ideal. But of this we must speak another day.

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## India's Case for Self-Government.

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The prospects of an early and satisfactory settlement of the Irish question being now practically assured, we may hope and trust that India's case for self-government will not wait a long time for disposal. The acute differences between the Roman Catholics and Protestants in Ireland have for so long a time successfully stood against the establishment of any scheme of Home Rule for the Emerald Isles. The bitter religious differences between the Hindus and Mohamedans have so long been made an excuse against the grant of self-government to this country. But while Ireland has not yet made up its religious differences, Hindus and Mohamedans in India now stand shoulder to shoulder on the same political platform and have sunk their differences under a common patriotic impulse. Yet, England has asked Ireland to formulate her own scheme of self-government, and, as an irony of fate, India, much more strong and united and much more advanced in material prosperity and spiritual culture, is refused a hearing. This differential treatment of Ireland and India is likely to send the iron into the soul of our people, and cause a sense of deep resentment to spread far and wide. Let us analyse India's exact situation at the present moment. The Government of India is practically controlled by a close bureaucracy which is not responsible to the people it rules, but to a distant country through an indifferent Secretary of State and a Parliament which has no time to give to Indian affairs. The mere statement of this situation is perhaps enough to condemn the present arrangement. At one time it was hoped that the formation of a Commonwealth Parliament, where India would find adequate representation, would meet the situation half way, but we find from the reports of the Imperial War Conference and from the speeches of Sir Robert Borden and General Smuts that the idea has been knocked on the head.

Under the circumstance India's destiny will be left entirely in the hands of the British Parliament, which, unfortunately, is deeply engrossed with domestic politics and has no time to give to India. Is not this situation an absolutely impossible one? If England is anxious to govern India justly and wisely, she must either devise an instrument through which Indian affairs can be periodically judged and revised or grant her people the right to govern themselves. The theory of believing in the men on the spot is only another name for letting things alone. England should not allow the Anglo-Indian bureaucracy to be the master of the situation and make and unmake the future of India. If the Indian bureaucracy is entrusted with the power of sitting in judgment over its own action and measures, then, like the Bourbons, they will never mend their affairs, and their cumulative indiscretions and arrogance are likely to land India into a disaster which is bound to be much more 'catastrophic' than any scheme of self-government can prove to be. The only alternative, therefore, is the grant to India of a substantial modicum of self-government immediately.

Anglo-Indian critics stoutly oppose any such grant of self-government to India by the plausible plea that we are not fit for it. If every nation is fit for it why not India? If the savage tribes in the Pacific Islands, the nomad races of Central Asia and the cannibal people in the darkest Africa are fit for self-government, why not India? Englishmen and Indians who raise the question of our fitness really do not comprehend the right issue, and only cover the atmosphere with a fog in order to avoid the realities of life. Mr. Lionel Curtis very rightly observes in his "Problem of the Commonwealth":—*The exercise of responsibility tends to increase fitness for exercising it. As every one finds in his own experience, it is in having to do things that a man learns how to do them and develops a sense of duty in regard to them. And that is why political power is and ought to be extended to whole classes of citizens, even when their knowledge and sense of responsibility is still imperfectly developed. Fit or not fit, let us have the right to look into our own*



affairs as best as we may. Let us have the right to govern ourselves, even if it be to muddle our affairs, for that surely is much better than leaving things to be muddled by others. As Mr. Robertson puts it so clearly in his *Rationale of Autonomy*: "*Only by development out of unfitness, obviously, is fitness attainable.*"

A host of our candid friends and writers like Rudyard Kipling and the late G. W. Steevens have maintained, on the other hand, that England has given India peace and, having given this, she ought to rest on her laurels. England has certainly given peace, but, as the present President of the United States said the other day "right is more precious than peace." India has this aspiration before her just now and will not remain content any further as "a mere hewer of wood and drawer of water."

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## Then and Now--A Contrast.

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Did not Lord Macaulay declare in the House of commons that every Englishman would consider it as the proudest day of life if the Parliamentary system of Government would be given to the people of India ? And did not the whole House receive the declaration with approbation and cheers ? That was in 1833, that is over 80 years ago. That it was not mere rhetoric of the moment was proved by the fact that in that year rights of equal citizenship were conferred on Indians.

Twenty-five years later a greater personage than Lord Macaulay made the same declaration more definitely and more solemnly. In her proclamation of 1858 Queen Victoria not only promised to rule both her European and Indian subjects under the same principles but gave the pledge in the name of God. The document was ratified by both Houses of Parliament and had thus practically the force of a Parliamentary Act.

Since then nearly sixty years have passed away and education has made fast progress in India. Yet if Indians now want some substantial form of self-rule, they are jeered at and their demand is likened to that of the child crying for the moon. The longer the British rule prevails in India the unfitter become her children to govern themselves' that is what they say, forgetting that thereby they only condemn their administration of the last one hundred and fifty years as a total failure.

Let us refer to the declarations of some other eminent English Statesmen of bygone days. Sir William Wedderburn in a recent letter to *India* has embodied some of them. In the course of the debates on the Parliamentary Act of

1858 when the present form of the Indian Government was established, Mr. Disraeli declared that the object of his Government was to draw nearer the relations between the inhabitants of Hindustan and England; to breathe a new spirit into our Indian administration and effect wholesome and regenerating measures. And he denounced the Governor-General who undertook great conquests noting the Civil Servants in India will support and assist him as long as he supports and assists them. What was needed, he said, was Indian knowledge combined with English progressive opinion.

Speaking on similar lines Sir Charles Wood felt it his duty to rebuke the harsh and vindictive spirit towards the people of India manifested by English residents in Calcutta. Rather than be guided by such impulses he would prefer to quit the country: "If we are to govern India," he said, "it must be for the benefit of the natives of that country, and not to trample them under foot and merely seek to find the means of employment for men and troops from this country". And similarly, Lord Stanley disclaimed all sympathy with the promoters of exploitation, "whose object is to govern India for the benefit of the English in India and of the English alone".

The same sentiment was expressed by Lord Palmerston when he said that our duty was not to provide for the British middle classes but to "promote the instruction, the enlightenment, and the civilisation of those great populations which are now subject to our rule". There is no special mystery, he affirmed, in Indian affairs, what is wanted is vigilant supervision of Parliament, and in the management of India the Government should give effect to the general principles of freedom and progress which form the permanent foundation of British policy.

"There is perhaps no subject which is more important in itself and to which greater importance is attached by the educated classes in India, than the introduction of a com-

petitive examination in India for the Civil Service to be held simultaneously with the competition in England, the examinations being identical in all respect". These were the words of the Public Service Commission in 1886-87. They further admitted that the evidence "given by witnesses belonging to those classes which have made the greatest progress in education" was in favour of simultaneous examinations in both countries. They further said that the three Indian Members of the Commission "do not share in the apprehension" as to the alleged injurious results of simultaneous examinations in England and India. Yet they came to the conclusion that "it is inexpedient to hold an examination in India for the covenanted Civil Service simultaneously with the examination in London." It is also an open secret that the last Public Service Commission have also rejected the proposal of simultaneous examination.

But would the reader be surprised to learn that Englishmen in the fifties of the last century had disposed of this question in a very satisfactory way when in 1853 Indian Civil Service appointments were thrown open to public competition, and Lord Stanley and Mr. J. G. Phillimore strongly advocated in Parliament the reform of simultaneous examination in England and India. The latter implored the Parliamentary Committee not to allow such an Empire (India) to be governed in the miserable spirit of monopoly and exclusion. Subsequently a committee of five members of the Council of the Indian Secretary of State, all Anglo-Indians, were appointed in 1859 to consider the question. They submitted their report on the 14th January of the following year. Here is an extract from their deliberations :--

" Practically, however, the Indians are excluded. The law declares them eligible but the difficulties offered to a native leaving India and residing in England for a time are so great that as a general rule it is almost impossible for a native successfully to compete at the periodical examinations held in England. Were the inequality removed, we should

no longer be exposed to the charge of keeping the promise to the ear and breaking it to the hope".

The Committee went on to say :--

Two modes have been suggested by which the object in view might be attained. The first is by allotting a certain portion of the total number of appointments declared in each year to be competed for in India by natives and by all other natural born subjects of Her Majesty resident in India. The second is to hold simultaneously two examinations, one in England and one in India, both being, as far as practicable identical in their nature, and those who compete in both the countries being finally classified in one list, according to merit by the Civil Service Commissioners. The Committee have no hesitation in giving preference to the second scheme as being the fairest and the most in accordance with the principles of a general competition for a common object.

Thus nearly 60 years ago the problem of holding of simultaneous Civil Service Examinations was solved. But the present race of English rulers would cry, "help, murder," if they were asked to give effect to it. There is no doubt that their predecessors were more sympathetic, more liberal, and approached Indian questions in a more generous spirit, with the result that the Indians were then more happy than they are now.

The sedition law was unknown in India before 1871, but now sedition cases are almost the order of the day. The executive are now all-powerful but in days of yore even the Governor-General was subordinate to the supreme Court. The Press was absolutely free and the liberty of the subjects was real. No one could then be spirited away and interned as now. The regulation of 1813 no doubt existed but it was more disagreeable to Europeans than Indians and was never enforced in the case of the latter. What a sad contrast between the former and the present British administration !

The people were then more prosperous and healthy ; they had plenty of wholesome food to eat and spare ; they had a good many industries in a flourishing condition. All this is now changed. Why should this be the case when they are governed by the same noble race of Englishmen ? In respect of education we are certainly better off and we are deeply grateful for it. Education, however, is not a blessing but a curse if the legitimate aspirations which it awakens in the minds of the people are not satisfied but are put down with a strong hand. Fancy, the Indians run the risk of being prosecuted for sedition if they preach Home Rule.

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## Hon'ble Mr. P. C. Lyon's address to the students and India's Self- Government.

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In his address at the students' Hall the Hon'ble Mr. P. C. Lyon made many interesting suggestions and laid down many political principles. It was observed by him that the future of the country depended upon the people. Whether he will defend the proposition as a statement of fact it is not for me to say. In every free or self-governing country such a doctrine will be looked upon as strange and the people are more or less one. The interests of both are identical. In fact the question of such a division of labour does hardly arise in those countries. Even under a Government of benevolent despotism, if any exists under the sun, such an observation will not hold good. It can only be true of a country where the Government is in foreign hands and where the interests of the people are different from the interests of the rulers.

2. In England Herbert Spencer and philosophers of his school preached the freedom of Government control in public affairs as much as possible. The doctrine of *Laissez Faire* has, however, long been exploded. Germany showed the way, and showed how successfully it has organised the various departments of State for the well-being of the country and the people. But England was slow to profit by the example. The eyes have been opened only in recent years to the need of Government interference in all matters which concern the common weal. The social legislation it had recently undertaken and the proposed reconstitution of the educational system are movements in the new direction. Mr. Lyon thus seeks to thrust this exploded doctrine on this country. In a free country where the Government is under popular control the theory can do very little harm. But for India situated as

it is now it is bound to be productive of great evil. We are a people just emerging into life out of the slavery of ages. We need the helping hand of Government for our development. The Government should not sit idle like Gods listless of mankind and indulge in a policy of abstraction and indifference. The Government takes the people's money. It is bound to look to people's good. The mighty organisation and resources of Government have no real use except in the advancement of the people.

3. But, says Mr. Lyon, "the main duty of the Government is to preserve peace and tranquility." To say the least, this is a very narrow definition of its functions even of its main function. Preservation of order, is, no doubt, a condition of Government but it can not be said to be its principal object. Even malevolent despotism will not be satisfied with it. Not to speak of an enlightened Government like ours. Order and progress are said to be the objects of Government, and the best Government, in the words of Mill, is that which is most conducive to progress. The test of a good Government, according to Bernham, is its success in fostering the moral, intellectual and active qualities of the people. We should judge our Government by this standard. Political writers are agreed that "the best Government for a people is the one which tends most to give them that for want of which they can not advance and the chief instrument of such progress is self-government. It is a means as the final form of a Government, it is an end after which the people ought to strive by all legitimate means.

4. It is the duty of our Government to act up to the above idea, but Mr. Lyon puts the thing in a very different light. It will be an evil day for us if his opinions are found to prevail. We had long been used to the worship of the fetish of efficiency. With the close of Lord Curzon's regime we thought that this system of administration had seen its last. But Mr. Lyon evidently tries to resuscitate it. The great duty of the Indian officers of Government, he says, is to cultivate the virtue of efficiency. We say no. Their great duty lies in helping forward the moral and material advan-



cement of the people. Efficiency, as is understood by Civilian bureaucracy, has no place in any system of good Government.

5. I am pained to observe that Mr. Lyon has sought to maintain the gulf between the Government and the people as if they were permanently stationed in water-tight chambers of mutual antagonism. It should be his endeavour and also the endeavour of the Service to which he belongs to abridge this gulf. This can only be effected by making the Government popular, by giving the right place to the voice of the people in the system of administration. Mr. Lyon was ready to give a declaration in favour of self-government. But he should be prepared to go much further. Mere abstract declarations of policy will not avail. We had similar declarations in the past. Is he prepared to support us in our concrete demands for political reform? Or will he say to them, the time is not yet. The time has long gone by when the people or the students whom Mr. Lyon wanted to convince will be satisfied with the enunciation of vague general principles. Let us meet on the practical plain and see how far words of policy are ready to be translated into action.

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## On Declaration of August 1917.

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We accord our whole hearted support to the scheme of Self-Government which was adopted at the Lucknow session of the Congress with the full support and concurrence of the Moslem League. That was a memorable session of the Congress that was held at Lucknow. It was an epoch-making session and it will find an enduring place in the annals of the Congress movement. The union between Hindus and Mahomedans has been one of the cherished aspirations of our soul. In that cause we have all laboured and now we are about to reap the golden fruits of our efforts in this direction. The union—the solemn league and the covenant of union between Hindus and Mahomedans—was effected at Lucknow and under the banner of self-government we embraced each other as brothers, resolved to live as brothers and to work out our salvation as brothers and may the God of all nations shower down his choicest blessings upon our resolve. The Congress Session was memorable for another achievement also in the same direction. For long years separated by wide dissensions the split in the camp of the nationalists was made up. We settled our disputes, closed our differences, presented the spectacle of a united nation resolved to re-establish the great boon of self-government. Thus equipped we started on the grand march towards the promised land of liberty. Sri Krishna will be our charioteer; the revered spirits of our dead ancestors are watching us from their place in Heaven. The sympathies of civilized mankind are with us and the blessings of God of all nations are upon our heads. We are invincible and irresistible. The time is auspicious, the signs and portents of God are in our favour. India after the war cannot be what she was before the war. None in the world can urge that India will be what it was before the war.

There is a worldwide movement in favour of the expansion of human liberty, of the development of human progress. While the battlefields of Europe are saturated with the blood of the dead and dying and humanity is horrified at the nameless atrocities committed by nations who call themselves civilized, the goddess of liberty is marching forward steadily to assert her supremacy and to extend the bounds of her imperial sway. Who could have dreamed even before the termination of the war would witness the downfall of the Russian bureaucracy and the establishment of popular government in the dominion of the Tsar. But the unexpected has happened. The world forces that are working for progress are more potent than the most powerful autocracy and India has felt the full effect of these forces. Our hearts are pulsating with new aspirations. Though I am a pessimist, I even dream dreams of an emancipated fatherland. Standing on the Sinai of hope I see the great glories of the fatherland and the great destinies which by the providence of God she is destined to fulfil in emancipating the human race from the gross materialism of the hour.

These are the prospects that are opening up to my vision. Our rulers too are feeling that a great change is visible on the surface and they too recognise that there must be radical and fundamental changes in the political and administrative conditions of this country. Mr. Chamberlain the other day at a lunch given in his honour and that of the Indian delegates, said "India self-contained, self-reliant, must be the store-house of the empire," and he added "India must no longer continue to be hewer of wood and drawer of water and that she must participate not only in the obligations but also in the hopes of the empire". I say these observations are very significant as coming from a statesman of the type of Mr. Chamberlain whose method and measures have not always commended themselves to the better mind of India. But still further significant is the admission of Indians into the war conference, the holy of holies of the great empire. This is a happy augury of the

place that India is destined to occupy in the coming re-adjustment.

I say this with all the emphasis I can command, once an equal, we can never be relegated to the position of political inferiority. Take another pronouncement that of Sir O'Moor Creagh, a military man, the late Commander-in-Chief. Writing to the Weekly Despatch, he says that if the pledge of provincial autonomy contained in the despatch of the 25th of August 1911, had been given effect to, India to day "would have infinitely greater facilities to respond to the call of the empire in respect of men and money". If self government had been given to us in accordance to the despatch of the 25th August, two years ago men and money would have flown in abundance; but there is another authority, and a very notable one too having regard to what he says. It is Lord Curzon. All of you know him as one of the bitterest enemies of Indian aspirations. Speaking on the occasion of the opening of the Oriental School of Studies in the presence of His Majesty the King Emperor, he said "we must continue the policy of expansion, both political and industrial, though the future may be enshrouded in mystery". My pessimistic friends will say that these are speeches and pronouncements. The pages of Anglo-Indian history are strewn thick with the fragments of broken pledges. I do not take that view. I am somewhat optimistic. Here we have something to go upon something to build upon, something which will operate as an incentive to our efforts for the fulfilment of these pledges. At any rate, they represent a change in the angle of vision in the direction of greater liberalisation, a keener desire to associate the people in the government of the country. All this is hopeful. Let us make the best of the situation good or bad. Let us lend our voice in support of the resolution formulated by the Indian National Congress and the Moslem League. But you have got a great obstacle in the way. It is the doctrine of "not yet". This is a weapon, offensive and defensive in the hands of reactionaries who want to retard the cause of progress.

When the northern states of America worked for the emancipation of the Negro slaves, the southern states urged that it was not yet. They said that the emancipation of the Negro slaves would subvert the balance of the Constitution. Their cry was unheeded. The Negroes were emancipated. The balance has not been disturbed.

Did the Americans enter into any controversy regarding the qualifications of Philipines when they conferred self-government on them? Did the Meikado enter into discussion as to the fitness of his people when he established Parliamentary institutions in Japan? Both in Philipines and Japan the experiment has been an abounding success. Let our rulers have a little confidence in us. We are fully entitled to it for in the morning of the world, when Europe was sunk in primeval barbarism, our ancestors founded those village organisations which represent the beginning of self-government. Modern experience has confirmed the lessons of the past local self-government which has been on the whole a great success and our reformed councils even with their restricted rights have been helpful to the government. Not yet? When will it be? When will the stars be auspicious? Who will be the priest and prophet? Who will read the heaven and proclaim that India has now become fit for self-government? Is it to be a member of a Bureaucracy? We may wait till doomsday if our lot is dependent upon them. Is there any standard of fitness? If education is to be a standard and, then, I will say this that we are fit, better fit, having regard to the extension of education in our midst than the English people were in 1832 when the Reform Laws were introduced and when England enjoyed full-fledged Parliamentary institution.

If it is said that we are unfit for self-government, I venture to think that it implies the greatest reproach on their rule. After a century and half of British rule, we have been so demoralised and degraded that we are unfit to manage our domestic affairs. Japan has done it in thirty years and if we are given self-government, we shall also do

it in 30 years, if not less, because we have already had the benefit of western training for more than a century. The institutions of self-government are the best training grounds for self-government. Let our rulers have a little courage and they will find that their confidence and courage are abundantly justified. Self-Government is the cement of the Empire. It will stimulate our man-power and our money-power. They talk of the man-power of Germany. We are as multitudinous as the stars of heaven, as countless as the sands of the sea. If England will only treat us as equal partners in the great Empire then England has a reserve in India, a fund of man-power before which even the might of Germany will quail. We demand self-government not only in our interest but also in the interest of the Empire.

You say that we accord our whole-hearted support to the scheme as formulated by the Indian National Congress. Our scheme is not revolutionary : it follows the least line of resistance. The main drift and aim of the scheme is - give us permanent voice in the councils of the government, make us masters in our own house-hold, substitute popular government for bureaucratic rule. Bureaucracy has been tried in the balance of modern conditions and it has failed. It has done its work well, splendidly, so well that no more work is there to be done by it. Othello's occupation is gone ; I do not invoke the shadow of that character in order to malign the government but in order to point out that a real change is required, a real transformation of conditions is necessitated by existing circumstances and exigencies. The bureaucracy is old, obsolete, effete, and antiquated. Here is what Mr. Montague had said in the House of Commons. "The Government of India is too wooden, too iron, too inelastic, too antediluvian, to be of any use for the modern purposes we have in view. I do not believe that anybody could ever support the Government of India from the point of view of modern requirements.....What I am saying now is in the light of these revelations, of this inelasticity of Indian Government however much you may gloss over those indefensible proceedings in the past, the time has now come

to alter them.....But I am positive of this, that your great claim to continue the illogical system of Government by which you have governed India in the past is that it was efficient. It has been proved to be not efficient. It has been proved to be not sufficiently elastic to express the will of the Indian people ; to make them into a warring nation as they wanted to be. The history of this war shows that you can rely upon the loyalty of the Indian people to the British Empire—if you ever before doubted it: If you want to use that loyalty you must take advantage of that love of country which is a religion in India and you must give them that bigger opportunity of controlling their own destinies, not merely by councils which cannot act, but by control, by growing control of the Executive itself. Then in your next war—if we ever have war—in your next crisis, through times of peace, you will have a contented India, an India equipped to help. Believe me, Mr. speaker, it is not a question of expediency, it is not a question of desirability. Unless you are prepared to remodel, in the light of modern experience, this century-old and cumbrous machine, then I believe, I verily believe, that you will lose your right to control the destinies of the Indian Empire". In the above passage of great insight and sincerity, Mr. Montague has put, in respect of its basic essentials, the case of self-government for India. I commend his observations to the officials in this country as to the meaning of the self-government movement. That movement is based upon this two-fold principle : that the system of government that obtains in this country is radically obsolete and inefficient, and thus operates as a heavy and monstrous drag upon the wheels of national progress and therefore must be done away with, lock, stock and barred as soon as possible.

Repression is bureaucracy's only weapon whereas conciliation is the sovereign remedy, but it will not try this for prestige. Therefore in the interest of good government, we want self-government to be established in the country. We are told that if self-government is established there would be an oligarchy. I say that an oligarchy is better than a

bureaucracy of foreigners. We are told that we are not the representatives of the labouring masses. We are the bone of their bones, and the flesh of their flesh. We are not their guardians and their spokesmen but a foreign bureaucracy, who do not understand their language and their habits, live apart in isolation from them: The proposition has only to be stated in order that its absurdity may be seen. Look at the proceedings of the Congress. Year after year, we have been passing resolutions – in whose interest we have been urging the abolition of salt tax? – resolution on the taxable minimum of income tax – the separation of the Executive and the Judicial functions – the introduction of free and compulsory primary education? In whose interest did Mr. Gandhi take his sojourn to Behar and in whose interest was it that the officials barred him out at first?

It was not true that the rulers of the military classes are opposed to the granting of self-government. The Maharaja of Bikanir and the Maharaja of Alwar urgently asked for the uplifting of the status of the motherland to the position of an equal partner with the rest of the dominions. Self-government is in the air? It is the cry of united India – of the Princes and the people, of Mohomedans and Hindus of all sects, races and creeds. Who can resist that demand? Sir Henry Campbell Bannerman has made that memorable observation that good government can never be a substitute for a government by the people themselves. I will go further and say that without self-government there can be no good government. We want self-government for the highest moral purpose so that we may rise to the full height of humanity. We want self-government in order that we may fulfil our high mission as spiritual teachers of mankind, in order that we may emancipate humanity from the fetters of gross materialism; but we can never emancipate others when we ourselves are not free. Self-government was our birth right and we will not be satisfied till full-pledged responsible self-government within the Empire was definitely declared to be our goal.



These are the hopes, aims and aspirations which warm our hearts. Depending upon this pious announcement we must not go to sleep. There is solemn work for us which we can not disown or disavow. We must hold public meetings publish leaflets, create an atmosphere surcharged with the spirit of liberty and self-government. We must bear in mind that we are living in one of the most eventful periods of the history of our country. We are on the brink of an upheaval when we can make or mar the future. We must so make the future that it will be worthy of the past, worthy of the resplendent glory of ancient times. That is a future which all of us must help to create and this is the psychological moment for the creation. Grave responsibility rests upon us. We must rise to the height of the responsibility. Work must be our watchword and motto of the hour. Self-dedication, self-consecration, self-absorption in the duties to the mother-land that is a call from heaven.

I will speak a few words more on the important announcement of the Secretary of State in the extraordinary Gazette of India dated the 20th instant. Mr. Montague's Indian reform proposals make one thing clear. The rulers have at last realised the absolute necessity of doing something to put a stop to the growing discontent in India. This is a happy feature of the Secretary of State's announcement, but it is so vague and indefinite that one can scarcely make anything out of it. Yet there are ominous passages in it which will naturally give rise to misgivings in the public mind.

What Mr. Montague proposes to do is to come to India, discuss the question with the Government of India, acquaint himself with their views and those of the Local Governments, and then come to a decision. Of course, he says that he will receive the suggestions of the representative bodies and others. But he is very clear on the point that in deciding the scheme of reforms the official opinion will play the supreme part, though it may be modified here and there by popular voice. This is not only disappointing, but

distinctly against the principle laid down by no less an authority than the Prime Minister himself. In his Glasgow speech Mr. Lloyd George said, "the dominant factor in settling the fate of the German Colonies must be their people's own desires and wishes". Again: "The leading principle is that the wishes of the inhabitants must be the supreme consideration in the resettlement. In other words, the formula adopted by the Allies with regard to the disputed territories in Europe is to be applied equally in the tropical countries." Thus spoke the greatest statesman in the United Kingdom. Why should not the same principle inculcated by him equally apply in India? Why should not the desires and wishes of its people determine the question of the form of Government which in their opinion suit them the best? Says Mr. Montague:—"The British Government and the Government of India on whom responsibility lies for the welfare and advancement of Indian peoples must be the judges of the time and measures of each advance".

This practically means that the fate of India will be placed in the hands of Indian Bureaucracy. For, the British Government which, in the case of India, means the Secretary of State and his Council, will be in this matter virtually guided by the Government of India. And if the Indian bureaucracy were to be the judges of the time and measure of each advance and if the custodian of a minor whose property he enjoys be given the privilege of determining his ward's age of minority, the latter will ever be in a state of minority. If the Indian bureaucrats were to be the judges of the time when the Indians would be fit to be entrusted with responsible self-government, that time would perhaps never arrive. It is the British Parliament, and not the Indian and British Governments which must decide the fate of India in consultation with views and sentiments of its people. This is also the opinion of the Manchester Guardian of England. Our capacity for each advance should be determined, says Mr. Hassan Imam, by the British Parliament upon inquiries made by means of Parlia-

mentary committees in consultation with representatives of the Congress and the League.

The policy of His Majesty's Government, says the Secretary of State, is "that of increasing the association of the Indians in every branch of administration." This is certainly an advance in the right direction. But a few crumbs in the shape of appointments will not, as Sir S. P. Sinha said, satisfy the Indian aspiration. Mr. Montague further says that there will be "gradual development of self-governing institutions with a view to progressive realisation of responsible self-government in India." Now this is a very misleading phrase. "*Gradual development*" may mean five or fifty years. By adopting the "*not yet*" policy, the real self-government may be withheld from the Indians for scores of years. A definite declaration of the nature of the full responsible self-government proposed to be granted and the time when it should be conferred should thus be made without delay. We are promised responsible government, but it must be really responsible to the people. Let us have no sham or delusions about it. Mr. Montague has given us the assurance from his place in Parliament that substantial steps are to be taken towards the progressive realisation of responsible Government in India. No more glorified Debating Societies of the Minto-Morley type will satisfy the growing aspirations of our people. Whatever is given must be substantial and must be felt by the people of India as a real and genuine step towards responsible government, by which we understand, a Government dominated by the people and responsible to the people. We understand it in the words of Abraham Lincoln, Government of the people, by the people and for the people. We confidently hope that the voice of the people of India and their wishes must be a determining factor in this consideration.

It should be borne in mind that unless Mr. Montague furnishes precise information on these two points, it is not possible for Indian representatives to pronounce any definite opinion on his proposals. There is no doubt that

development of self-governing institutions must be gradual but what is the minimum of self-government with which he proposes to begin? He is no doubt aware of the minimum of the popular demands embodied in the Congress-League resolution. We may at once tell Mr. Montague that nothing short of that, to begin with, will satisfy the leaders of India. We must too clearly emphasise that India is in no mood for further evasions, postponements or subterfuges, and that the reforms asked for, after due deliberations, in the joint-scheme of the Indian National Congress and the All-India Moslem League are the irreducible minimum which the Indian people expect or will be content with as the first instalment of reforms culminating in full and real responsible self-government for India. Secondly, what may be his highest goal? Our goal is colonial self-government. Is it also his goal? We presume it is, for even Lord Islington and many others have declared that the Australian form of self-government should be the model for India. If so, the next thing Mr. Montague has to do is to declare the probable time when India expects to get it. Be it remembered that Pilipines have secured full-pledged self-government under American rule within fifteen years only.

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# The First All-India Cantonments Conference, Amballa.

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(25th January 1919).

## Presidential Address.

GENTLEMEN,

Though my hearty acknowledgements are due to you for the honour you have done me by electing me as your president at the first All-India Cantonments Conference, I cannot but express to you all, the great diffidence which I feel in attempting the performance of the task which you have laid on me. Since the day I accepted, with more zeal than discretion as I afterwards found out, the presidentship of this Conference on the invitation of its promoters, I frankly tell you that I have not felt happy over it. The more thought I gave to the matter, the greater seemed the difficulties in the way of an adequate performance of the work for which I had so imprudently made myself responsible. To-day, in organizing this the First All India Cantonments Conference, we are breaking entirely new ground; and as no such conference have ever been held in the past, regard for the adequate discharge of the onerous and delicate duties that would devolve upon the person whom you invited to preside over your deliberations today, ought to have suggested the choice of some one more qualified than myself to fill the place. The choice of some one more experienced in public life than I can claim to be and one already known to fame would have placed with the reach of this Conference advantages of which, I am sorry to say, you have deprived yourself by the selection you have made. But you have made the choice and whether the task which you have set before me is well done or ill done, you have now to abide by it. Even as I am, with all my deficiencies, the diffidence that I feel and to which I have already referred, if I had the requisite

time, I feel, I should have tried to bring to the task which I am essaying now a more careful and thorough study of the question with which I shall be expected to deal today. But the announcement of the very idea of such a conference itself was read by me in the papers only a few days before I was invited to preside over its first session; and I will here add a word of explanation as to what I meant by saying that it was in a fit of overzealousness that I let myself in for the difficult task to which, I honestly confess, I feel very much unequal. Many of you know, perhaps, that I come from distant Kamptee, a military station near Nagpur in the Central Provinces. While in other military Cantonments, in conformity with the new spirit of the time, you are perhaps going to demand new rights, we in Kamptee, some years ago, lost, through no fault of ours, the municipal rights which we were already enjoying. It was when we were, so to say, smarting under a sense of this continued wrong that the invitation to preside over this Conference came to me; and I candidly confess that it was primarily under that impulse that I grasped the opportunity, so unexpectedly presented to me; of ventilating what was after all a local grievance from a bigger and a more exalted platform than the local press or the Local Legislative Council. Gentlemen, I have detained you so long over these prefatory remarks in order that you may treat my shortcomings in a spirit of indulgence.

Gentlemen, we are living in very stirring times indeed. Political events of scope and magnitude such as never had been dreamed are now following hard upon each other "with the velocity of a cinema film." The war has ended as suddenly as it began and all of us rejoice in the triumphant success of the Allies. Militarism has been put to the extreme test and has failed. Of the three military Empires which made the war, Germany, Russia, Austria...not one is left. India is proud of the noble part she played in this war by the side of England. Mr. Asquith, as Premier of England, pointed out how the battlefields of France and Flanders, to which we may now add Palastine and Meso-

potamia, bear undying tribute to the bravery and devotion which the Indian troops showed—troops “so spontaneously despatched, so liberally provided and so magnificently equipped.” Some recent events in the history of India and the false inferences drawn from them by some hasty English globe-trotting writers had tended to cast a sinister shadow over the loyalty of the people of India; and when the history of the genesis of this war comes to be written, I have no doubt, that it will be found that the dark picture thus drawn had no mean share in inducing Germany to gird on her armour against Europe in the hope of world-dominion. But the war has proved the touchstone of Indian loyalty and the latter has now come forth refined and purified through the furnace of the war. And in this loyal service to the Empire in its hour of need, gentlemen, which province has done more than your own of Punjab, where we have now met? During the coming period of reconstruction, Punjab deserves to be treated in the matter of freedom of its political institutions, at least as well as some of the more advanced Provinces in India.

Gentlemen, as we find everywhere, it is impossible that such a titanic war should be waged without fundamentally altering the outlook of nations and statesmen. “Such deep emotions have been loosened, so many interests aroused and hopes raised, so much new light has been shed and experience gained, that men returning from the various theatres of war, it was already foreseen, will be men with a wider outlook and larger demands than they had before. And the Indian public, it was already remarked by keen observers, “by participation in the mighty happenings of these times will be a different people from what they were before the war commenced. It will be to a new order to which they will have to accommodate themselves.” Even during the early stages of the war, Mr. Bonar Law, though speaking for himself and not for his party, said that as a result of this war he expected to see a Parliament of the British Empire in which every part of that Empire in proportion to its number and its resources, would share in the duty and the

honour of ruling the British Empire. It might have been thought at the time that Mr. Bonar Law could be referring only to the possibility of Colonials sharing the task of the governance of the Empire with the Imperial statesmen ; but the appointment of our distinguished countryman Sir S. P. Sinha, now Lord Sinha, as a member of the British Ministry—an appointent as well deserved as it has been surprising... shows that it was no hollow sentiment to which Mr. Bonar Law gave expression when he talked of "all the component parts" of the British Empire equally sharing with the United Kingdom the honour and duty of governing the Empire. With the outlook of the Imperial statesmen thus fundamentally changed, I think, we may now dispell any apprehensions that we may have till now felt as regards the future of our progress. As Mr. Asquith is recently reported to have remarked in one of his election speeches there is, now, a new orientation in the politics of the world. The long-drawn agony of the Empire will have been undergone in vain if after the German autocracy is scotched in Europe, any variant of it is granted a perpetual lease of life anywhere else. By the famous declaration of August 20th 1917, India has already been promised Responsible Government and the first substantial steps towards the goal must be taken without delay. I do not ignore, gentlemen, that great dissatisfaction has been expressed by some of our most influential national bodies at the actual instalment of reforms foreshadowed in what is known as the Montague-Chelmsford Reforms. We are fortunately not called upon today either to endorse that view or the view taken by another influential section of Indian nationalists—the moderates. So far as I can see, there is none who in his heart of hearts wishes that the Scheme should be rejected or wrecked. We would all gladly wish to see a further liberalization of the scheme no doubt, but as I have already said, so far as I can see, ours is not what may be described as "neck or nothing" policy. We no doubt heartily wish that the policy of self-determination should be applied to India in as full a measure as possible. But I do not think



there is any one among us who will prejudice India's cause by adopting a policy which may result in the frustration of all our hopes and the perpetuation of the autocratic system under which India is governed at present. However great might be our regret that during the last election many of our most trusted friends have not been returned to Parliament, the British Premier, Mr. Lyod George, has at the present moment done all in his power to restore confidence in us that the pledges held out to us will be fulfilled. The inclusion of Sir S. P. Sinha in the British cabinet as under Secretary of State for India and his elevation to the peerage are landmarks in the history of India's connection with England. I need not set forth to an Indian audience in what high esteem we Indians hold Sir Satyendra. But even Anglo-Indian papers such as the *Statesman* of Calcutta have borne ungrudging testimony to the worth of this illustrious son of India. I cannot resist the temptation to quote the whole passage here. The *Statesman* says: By the selection of Sir S. P. Sinha to be Under-Secretary of State for India, and Indian has been included for the first time in a British Ministry. This is a superlative compliment to the Indian Empire, for no Dominion Minister has received such an honour, and it will not be surprising if Mr. Lloyd George has to meet a considerable amount of jealous resentment on this score. As to Sir S. P. Sinha's fitness for the post conferred upon him, no one who knows him can entertain any doubt. He has succeeded in every task to which he has set his hand, and the same qualities will assure his efficient discharge of his duties in the House of Commons or the House of Lords, if that is to be his destination. He possesses that rarest of gifts, sound commonsense. He is singularly free from illusions of any kind; he can recognise and appreciate points of view different from his own; and he can display that reasonableness and that practical spirit which appeal as strongly to deliberative assemblies as to judges on their bench. With the judicious fidelity of a good advocate he has served his non-legal clients, the Government of India and of Bengal, as loyally as those litigants who formerly

competed for his aid. It is certain that he will render the same skilled assistance to Mr. Montagu." This is high testimony indeed, coming from the quarter whence it does. As for ourselves, no single event has captured the imagination of Indians so much as this one act of true statesmanship. As the Leader of Allahabad in one of its recent issues remarked, "The general Election with its disappointing result combined with other portents in this country and in England to give rise to an uneasy suspicion in the public mind of India whether the Montagu-Chelmsford proposals might not after all be whittled down and a quite inadequate scheme passed into law, giving rise to just dissatisfaction even among moderate men. Under these circumstances, if anything could immediately be done to allay misgiving it was the part of statesmanship to do it. It was at first apprehended that Mr. Montagu might not be reappointed to his former post. Fortunately that apprehension proved groundless. As again remarked by the Leader, "hope thus rises almost to the point of confidence when the reappointment of Mr. Montagu is taken in conjunction with the far-reaching and unprecedented appointment of Sir S. P. Sinha as parliamentary under-secretary for India."

Gentlemen, to some of you perhaps, all that I have said hitherto may appear as somewhat irrelevant to the comparatively very small and insignificant matter we have to deal with in our Conference. It is true the scope of the work of this Conference is very narrow and limited. But the fact cannot be ignored that it is only as a small part of a very much bigger scheme of political emancipation that we in this Conference are going to press our claims. The position that we residents of Cantonment Stations and its suburbs hold in the civics of our country after all is determined by the position we Indians as a whole occupy in the general polity of the country. When sweeping changes affecting the whole people are under contemplation, we alone cannot be left behind in the backwaters of Indian politics. It seemed to me, therefore, quite in the fitness of things that in the inaugural address even of this Conference

it would not be out of place to deal with the larger issues which I have mentioned above.

Descending now from questions of high political import to small ones and dealing with the immediate object which has brought us all together here today, you will all agree with me that we take our stand on the principles which are now authoritatively laid down in the Montagu-Chelmsford Report as affecting the local bodies. They have stated that the aim now should be to bring all local bodies entirely under popular control and they have laid down their decision in the following formula, viz. that "there should be, as far as possible, complete popular control in local bodies and the largest possible independence for them of outside control." It may be contended, gentlemen that the principles here stated apply to the local bodies in general and have no application to the special civic conditions under which the military station areas have to be administered. We may grant for the sake of argument, that the principles above stated may not, under present conditions, apply to the case of Cantonment areas and their suburbs in their entirety. But surely the acceptance of these broad principles in the general affairs of the country must lead to some corresponding modification in the rigid, unbending and irresponsible manner in which the civic affairs of the people residing in Cantonment areas are now administered.

I take it, gentlemen, that we have here representatives from the various Cantonments in India. The movement that we are initiating today is not for the benefit of one community or the other; it is meant for the common benefit of all residents of Cantonments, be they Hindus or Mohammedans, Christians or Parsees. We have assembled here irrespective of caste or creed, race or colour. Our doors are open to all who are interested in the civic affairs of the country. Our common object is the improvement of our civic status and this is an object which must commend itself to all communities alike. It is a great pity that we have never till now taken any steps to collate the various

grievances which we in our respective places labour under. The Madras Presidency led the way in March 1917 in organising a Local and Municipal Conference wherein a number of questions common to all the local bodies in general, were discussed. His Excellency the Governor of Madras himself opened the Conference with an interesting address. The Bombay Presidency followed suit in July of the same year. Since the movement was first started, it is my belief, that ours is the third Conference which is laid somewhat on similar lines. The necessity of holding such a Conference, has always appeared to me very great and if before the close of the proceedings of this Conference we can devise some plan by which a permanent organization could be brought into existence to carry on sustained work during the intervals of periodic Conferences that may be held hereafter, I think we shall have done enough work for one session. Gentlemen, you are probably aware that an Association called the Local Boards and Municipal Association was launched into existence by a special Resolution passed at the first Local and Municipal Conference in the Madras Presidency. In my humble judgment such a central Association is now a necessity for us also in order that we may compare notes with each other and adopt a common plan to have our particular grievances properly ventilated so that, by the conjoint pressure we may be able to bring to bear on the authorities, we may induce the latter to take suitable remedial action. I have merely thrown out an idea ; it is for you to consider how far the time is ripe for such a step being taken.

I have said above that it was more on account of zeal rather than as an act of deliberate judgment that I accepted the presidentship of this Conference and I have also expressed how ill-equipped I feel for the task you have entrusted to me. If I had enough time, I should have liked to tour about and visit at least some of the more important cantonments so that we may have had at least a sort of a rough idea as to the sort of greivances of a general character which affect all stations alike. As matters stand, however,

excepting the conditions prevailing at Kamptee near Nagpur, from where I happen to come, I have absolutely no knowledge of those that prevail elsewhere. I feel that it would be in the highest degree unwise for any one to generalize from the conditions which prevail at any one place. I hope, therefore, that you will excuse me, on this occasion. I cannot give you anything like a general survey of the situation as it obtains in the various Cantonments. There is no printed literature available on the subject, and any statements that I might make of a general character are likely to be very much beside the mark. I will, therefore content myself with stating facts which are within my own knowledge and these will necessarily deal with the places that I know of, and such general principles besides, as may be expected to have obtained universal recognition.

In the inaugural speech with which Lord Pentland opened the Madras Municipal Conference, he pointed out that there were some people whose philanthropy may be described as 'telescopic philanthropy.' "Their eye was always at the telescope, examining the far distance, with the result that they do not see what is under their noses and at their feet and are blind to their responsibilities to their neighbours. Now here, he said, in the work of local self-government no telescope is required. The field of our labours is at our feet, large, indeed it is limitless ; for each achievement opens before us vistas of a higher standard to be reached." We who have assembled in this Conference today desire nothing more than that we should be permitted to labour in the field which is lying at our feet ; we are seeking no distant conquests ; we only want to be permitted to take our humble share in our local civic institutions.

While thus we claim only a measure of civic rights in the localities in which we reside, I think, there are certain general considerations, which in my humble judgment it will not be justifiable for us to ignore. It has been remarked that our local bodies partake more of the character of the institutions of a similar nature which exist in the

continental states of Europe and in the United States of America rather than that of those which exist in England itself. Both in France and Russia, local self-government, it has been said is regarded rather as a gift from above than as an inherent right. The predominant characteristics of the American local institutions, however, have been summed up by a recent writer thus.

"The Municipal institutions of the United States form a strange contrast to the Municipal institutions of Great Britain. The local institutions in America are not of historic growth. They are the artificial products of cut and dried legislation. In America a local institution is regarded as a revocable agency established by the State without contract or consideration for the grant, for the purpose of carrying out the necessary details of civil government among the inhabitants of a district. It is considered to have no vested right to any of its powers or franchises which are only allowed to exist in furtherance of the design for which the municipality was constituted that object being the exercise, in subordination to the legislature, of certain minor powers of Government over part of the territory of the State. That is entirely a different conception of Municipal institutions from that which obtains in Great Britain."

This is also the conception which has dominated the evolution and progress of municipal institutions in India. Here, as in many European countries also, it is on account of "the persistent and rapid growth of the functions of the State that has rendered some attempts at decentralization and some grant of self-government absolutely necessary." It was thus that the first systematic attempt to establish municipal institutions in India was made in connection with Lord Mayo's measures of financial decentralization. Lord Ripon extended the application of the principle of Local self-government still further and distinctly laid down the objects aimed at. The famous resolution of 1882 said. "It was not primarily with a view to improvement in administration that the measure was put forward and supported.

It was chiefly as an instrument of political and popular education."

Gentlemen, it is needless for our purpose to trace the further development of local self-government through all its successive stages. But whether we exercise our municipal functions as a resuscitation of our traditional rights or as a matter of pure gift from the central government, you, gentlemen of the Punjab here, will, I have no doubt, be glad to hear what Sir Donal McLeod said of the Punjab so far back as the year 1861-62. "The genius of the Punjabis, he said, was essentially suited for municipal organization and as rightly observed by the supreme Government, municipal institutions are as well adapted to the people here as to the people in England. This municipal organization still exists in every trade and did exist previous to our rule in every village." When measures were proposed, during Lord Ripon's administration, for the further extension of local self-government, the then Lt. Governor of the Punjab Sir Charles Aitchison identified himself completely with the policy laid down by the supreme government and the Government Resolution issued at the time said.

"Their power and their responsibilities (*i. e.* of municipalities)" according to his Honour, must alike be real; in proportion as there is any pretence or illusion about either the one or the other, there is an obvious possibility that the whole undertaking may degenerate into an officious dislocation of existing arrangements. No such lamentable miscarriage of a singularly generous and enlightened policy must be suffered to occur in the Punjab. This risk escaped, the Government, anticipating, by wise reforms, those legitimate aspirations which always gain substance and strength with the progress of instruction and civilization, and providing a career for the people, to open and expand with their growing intelligence and education, will unquestionably avoid many of the dangers inherent in a foreign rule. This is, in Lieut-Governor's own opinion the great men of the new policy. Briefly, he thinks that the scheme, in so

far as it can be successfully worked, will tend to elevate the duties and enlarge the official character of Government officers ; to educate the country in public life ; to relieve the Government of the odium of petty interferences and small unpopular acts, to diminish any sense of antagonism between the people and the Government : to promote better knowledge of the real aims of the governing body ; to popularise taxation ; to open useful, if not elevated, career to the native gentry ; and to interest leading men in the progress of undertakings and the stability of institutions in which they will now for the first time have a personal and prominent share. Thus, the political education of the people will directly subserve some of the chief political purposes of the Government."

These were the high aims with which measures of local self-government were seriously taken in hand in the year 1882. It is no wonder, therefore, if after a lapse of nearly four decades since these words were written, we people living in the Cantonment areas, claim a little share in the civic and political benefits which, as the above extract will show, were intended to be conferred upon our country men living in the regularly constituted municipal and District Board areas. We may grant, however, that some greater degree of control of the military authorities over municipal institutions is necessary and allowable in Cantonments than in other areas. In piloting the Bill which ultimately became the Cantonment Act of 1889, through the Imperial Council, Sir Andrew Scoble said : " The term Cantonment has been applied for more than a century to military stations in India and these stations have from their first establishment been subject to special regulations. The troops themselves being under military Law it became necessary, from the great number of native retainers and followers attached to military establishments in India and the importance of a prompt and orderly discharge of their duties to the welfare of the troops, to bring them also to a certain extent under military discipline ; and with this view, in order to ascertain the areas within which the stricter rules thus sanctioned might be enforced, it was



enacted that the limits of Cantonments and garrisons, including the military bazars attached thereto, shall be marked by the commanding officers in concert with the magistrate.' Section 4 of the Cantonments Act of 1889 and the corresponding section 3 of the new Cantonment Act of 1910, accordingly provide that the Local Governments concerned with the previous sanction of the Governor General in Council, may declare any place to be a Cantonment and the same authorities may define or vary the limit of Cantonments and may also declare that places are no longer Cantoments. It was declared at the time that these provisions were introduced in order to meet the changes which necessarily occur in the distribution of troops. And yet even after the redistribution of troops that took place after the introduction of Lord Kitchner's Army reorganization scheme, the municipal disfranchisement which was effected in the town of Kamptee in the year 1886, is continued to this day, even though the military station itself has now become, comparatively speaking, a very unimportant one, I will quote here what an official document has to say about the Kamptee station from where I come. "In January 1905 orders were issued under Lord Kitchener's recognition scheme for the eventual abandonment of Kamptee as a military station. The military district of Nagpur had already ceased to be of much importance as its outlying stations of Raipur and Sambalpur had been denuded of troops, Kamptee now forms part of the Jaboulpore Brigade". The importance of Kamptee is declining and it may perhaps be abadoned altogether, and yet in spite of these admissions and in spite of the memorials repeatedly sent up by the residents of Kamptee the municipal rights which they enjoyed in the Cantonment area till the year 1886 have not been restored to them; nor in the alternative has the Kamptee town which is seperated from the regular Cantonmot by the natural boundary of the Bagdurah nala been constituted a seperate municipality. It is admitted in official documents that "the Cantonment proper is cut off from the town, which is officially called the sadar Bazar". This Sadar Bazar, as I have

said, was under the control of a municipality from 1865 to 1886. The reason given for the cancellation of its municipal rights is a mere ipse dixit viz "The Sadar Bazar under a municipality and the Cantonment under military authorities. This state of things could not possibly continue". It is nowhere stated why. Gentlemen, you will excuse me for dwelling at some length upon what may appear to you a merely local matter. But my excuse for referring to it is that the conditions of Kamptee are those which I knew best. I am further told that at Belgaum and Poona in the Bombay Presidency there are regular municipalities just bordering or conterminous with Cantonment areas. The Poona suburban municipality and the Belgaum municipality are the places which I refer to. If it is possible to have municipalities existing so close to Cantonments at these places I fail to see why it should not be found possible to allow areas similarly situated in other places to have the same civic rights.

Gentlemen, the passage that I have quoted above from the Imperial Council proceedings in the year 1889 takes it for granted that Cantonment areas could never be included in regularly constituted municipalities. I have not been able to acquire definite information about the practice which obtains in other countries, for instance in England itself. But from the little information that I have been able to gather from books, it does not appear that residents of military stations there are deprived of their municipal rights as they are here. Colchester in the County of Essex in England seems to be the headquarters of what is known as the Eastern military District, and yet it is a municipal and parliamentary borough with a Mayor and a town clerk and returns two members to Parliament. It may be contended, gentlemen, that some of the populous areas which exist in India by the side of military Cantonments are recent growths brought into existence by the existence of the permanent military camps. This may be true in the case of certain stations. But in very many cases, especially I believe in the frontier province of Punjab, these Cantonments have been planted

in the vicinity of large pre-existing cities and in many other cases they are established near the capitals of important Native States. Many of these places, such as this very city itself, have become important centres of trade and industry ; and it seems anomalous that residents of these places should be deprived of their civic rights and harassed in a number of ways as regards their rights to immoveable property. In the Cantonment, whence I come, almost the whole revenue, about a lac, comes from the pockets of the civil population, and yet they are left without the slightest voice in the municipal administration of the places.

I grant that the sanitation of Cantonment areas is a matter of great importance as it affects the health of our troops ; and we may even go further and grant that some special rights of control might be given to the military authorities for the enforcement of rules regarding such matters as sanitation, encroachment on the roads and other open places, segregation of persons infected with contagious diseases and the like. The very inception of the Department of Sanitation in India was due in the first instance to the necessities of our troops. Owing to a heavy rate of mortality in troops, a Royal Commission was appointed to inquire into the sanitary state of the Army in India in the early sixties and they reported in the year 1863. One of their recommendations was that a Sanitary Commission should be appointed for each of the Presidencies. It was then considered necessary that as a first step towards establishing a sound system of sanitary administration, additional powers should be given to the civil and military authorities to enable them to enforce the regulations which may be found necessary to issue for the protection of the health of the army in its cantonments and of the civil population in civil and rural districts. In Bengal, accordingly, the Military Cantonment Act, Act XXII of 1864, was passed. Acts similar to these were at the same time introduced in Bombay and Madras as well. I have gone somewhat in detail into the previous history of the question in order to show that the main object of concentrating all power into the hands of military authorities

in Cantonments was only to safeguard the health of troops. While the supreme necessity of strictly maintaining conditions essential to public health in Cantonment may be granted, we at the same time see no reason why the civil population should be shut out altogether from even the smallest degree of participation in the civic rights of the place. It may be granted that the executive officers in Cantonment areas should have more plenary powers than those in ordinary local bodies. But there is no reason why, outside the regular areas occupied by the troops, *i. e.* in what are known as sadar bazars, the residents should not have greater freedom. Though the byelaws regarding health and other matters might be made as stringent as they need be, there is absolutely no reason why the residents of the place should not have the right of electing a certain reasonable proportion of members to the Cantonment Committees conceded to them. We recognize the necessity of maintaining special laws in places primarily intended for the occupation of troops and followers. What we ask for is that to the extent to which it is possible and wherever it is possible, for the civic administration of suburban areas of Cantonments, the law should be assimilated to that prevailing in the municipalities. If it is contended that the health and discipline of the dwellers in the cantonments can not be secured if breaches of cantonment rules are allowed to be committed with impunity just outside the boundaries, there are already provisions in the existing Cantonment Act empowering Local Governments to extend any enactment or rules in force within the Cantonment itself to neighbouring areas. When there are these various safeguards, it seems altogether anomalous that every comfort and convenience and even property rights of the civil population should be subordinated to the arbitrary demands of the military as is now the case.

Gentlemen, it will be improper for me to anticipate the various proposals, that you will no doubt make by means of formal resolutions after due discussion; nor do I know enough of the conditions prevailing in the various Canton-

ments to justify me in attempting such a task. I desist therefore from making the attempt. I will add only one word before I close. It was remarked of a late Viceroy, Lord Mayo, speaking in this very province that "Municipal institutions have been in every country in the world the basis of civilization and the firm ground for Self-Government." With the new opportunities that will now be opened up by the Montague-Chelmsford reform scheme, the evolution and the training of electorates has more become a matter of necessity. What more effective agency can there be for such a training than the conferring of an elective franchise on the people in their own Municipal institutions? I thank you gentlemen from the bottom of my heart for the patient and indulgent hearing which you have accorded to me.

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# President's concluding Address.

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(26th January 1919.)

**BROTHER DELIGATES, LADIES AND GENTLEMAN,**

I thank you from the bottom of my heart for the vote of thanks so eloquently proposed by Rai Sahib Lala Pannalal and so kindly received by you. I have lost my voice but I would risk a great deal more than my voice in a cause like this.

Believe me, I am not uttering a mere common place when I say that a greater or a higher reward no Indian can ever hope to win. You will, however, permit me to say that you have made one slight mistake. You have reversed the true position of things. Brother-delegates, it was for me to thank you and not for you to thank me. I am the debtor, and not you, and the debt is one which I can never hope to repay. When I was asked to preside at this first Session, I accepted the invitation only from a sense of duty, for I was conscious of my incapacity duly to discharge the arduous work which I knew would devolve upon me. Your hearty co-operation, however, smoothed all difficulties and made my task a very easy one.

Brother-delegates, it was Socrates who said "Call no man happy until he is dead". I would say, congratulate no public man until his function is ably and duly discharged. In my opening address I asked for a reasonable measure of your support and indulgence. You have given me both in super abundance, surpassing even my most sanguine expectations. The great success which has attended the labours of this first All-India Cantonments Conference will no doubt soon become an official record, but you will remember to what that success was really due. As the official head of this Conference, I bear ungrudging testimony to the irrefragable fact that it is the patriotism, enthusiasm and

earnestness, no less than firmness and sobriety of the delegates, that have achieved such brilliant results. There is a universally growing national consciousness which has awakened India from her slumber and which has inspired her people with full appreciation of their power and strength. The scattered units of the nation have coalesced and come together to assert and demand their natural and birth rights to accept their responsibilities as free citizens of the British Empire. To the Reception Committee you all in general and myself in particular are deeply indebted for the princely hospitality and very kind attention which they have so lavishly extended to us during the last two days of our stay at Ambala. To the volunteers I offer no thanks, for thanks would be very poor return for the services they have rendered. I regard them in the light of recruits who are training themselves for future services to the Motherland. They will form fresh units when the call for active service comes to them. I bless them one and all with all the warmth and fervor I possess as one descending from a Brahmanical race.

We have finished the deliberations of this first Conference ; but our labours are not yet closed. In fact, our work does not end but only begins this day. It is now our duty to carry the mandate of this conference and give effect to its deliberations throughout all the Cantonments of this Country. Go forth to all the Cantonments, penetrate into the minds of the people and preach to them the gospel of salvation, and carry to them the messages of hope and confidence which you have received from this Conference of people. We do not simply press for our rights and liberties, but are ready and anxious to bear our responsibilities. The zeal, earnestness and mutual confidence manifest among all that worked for the success of this Session, among the delegates, members of the Reception Committee, and volunteers are undoubted indications of our determination to be a united nation. Let us not hesitate, falter or despair. Let us march forward on and on. Let us be up and doing and not rest until our object is realized. You gave me a

very warm reception on my arrival here and during my stay here I have received great kindness from you, for which I cannot sufficiently express my obligations to you. I shall carry with me the very happy recollections of your city and of your excellent qualities which I assure you will endure till the last hour of my life. Once again I express my grateful thanks for all you have done to make my stay among you most comfortable and pleasant. The first Session of the All-India Cantonments Conference is dissolved, but before we part I call upon you to give three lusty cheers for His Gracious Majesty our Emperor.

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# Self-Government in Ancient India.

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( *Reprinted from the Hindu of 24th April 1919.* )

In response to the Hon'ble Mr. Justice Kumaraswamy Sastry's letter published in the *Hindu* of the 9th instant, permit me to draw the learned Judge's attention to an article published by Rao Sahib N. B. Paogee of Poona in the *Mysore Sanskrit Research Quarterly Journal* Volume II, number I for July 1916 at pages 41 to 55 on the subject of Self-Government in Ancient India.

The same gentleman has compiled a book of 559 pages on self-rule in Ancient India. In this book the learned author cited number of verses from the Puranas, Shastras and Vedas proving that self-government did exist in ancient India. I would ask him to peruse that book and I am sure that he would be convinced of the existence of self-rule in ancient India.

For the conviction of Mr. Kumaraswamy Shastri I would cull an extract from the *Imperial Gazetteer of India*, volume II, ( 1908 edition ) page 223. It reads thus :—

“ Vedic society being founded on the patriarchal family the government of the tribe was naturally monarchical. The King was often hereditary but sometimes he was elected, by the districts of the tribe. In return for his protection, he received from the people obedience and voluntary gifts – not regular taxes – and his power was limited by the popular will expressed in the tribal assembly.”

This, moreover, proves, beyond doubt, that despotism or high-handed rule was surely not the thing which we were accustomed to. But, it was the limited monarchy, the constitutional rule and the Government of our country by the people's Assembly.

I would further ask Mr. Kumaraswamy Sastry to refer to Professor Rhys David's Buddhist India and Vincent Smith's early History of India. We observe that during these periods the administrative business of the people was carried on by Republican Institutions or popular Assemblies. I trust that the learned Judge shall be free from delusion now.

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## A Social Function.

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*(Speech delivered at Kamptee on the Eve of Mr. Rustomji's  
Departure, Dated 11th January 1920).*

LADIES AND GENTLEMEN,

We have assembled here to-day, gentlemen, as you all know, in honour of our guest of the evening, Mr. Framroj Rustomji, who is under orders shortly to leave us. I consider it a privilege, gentlemen, to have been asked by Seth Jagannath, the host of the evening, to say a few words by way of farewell to our guest. Mr. Rustomji has been in our midst for the last 5 years and we have all of us had experience of the impartial way he administered justice. It may be said, gentlemen, that this is but doing one's duty. But of how many people in this world could it be really said that they have done or are doing their duty properly. In doing evenhanded justice, therefore, to the rich and poor alike, and in tempering justice with mercy when the occasion demanded it, our guest of the evening has sustained the reputation for administration of impartial justice which our law courts have deservedly attained. I have spoken just now, gentlemen, of justice being tempered with mercy. This was nowhere so clearly seen as when our guest of the evening had to deal, as a Small Cause Court Judge or a Sub-Judge, with cases where usurious interest had been charged by extortionate money-lenders. He took full advantage of the Usury Act which the Imperial Council had recently passed and mercilessly applied the pruning shears to cut down the huge piles of interest which unconscionable money-lenders are in the habit of running up against the helpless debtors in their grip. That our guest of the evening should have been able to afford relief in very many cases in the manner I have just described and still should have retained his popularity with all classes of litigants and the people alike,

shows how impartial and just his administration of justice has been acknowledged to be.

Though engaged in the heavy work of a judge, Mr. Rustomji has never considered that he was as it were a being apart from all of us as is unfortunately too often the manner of some of the people who come into our midst as officials. In these latter, the ordinary social feelings seem somehow to have been lost in those of the official. Our guest of the evening, during the time he has been here in Kamptee, has been quite one of us. He has shared in our joys and sorrows and now that the term of his official life in our midst is coming to close for the time being at least, we all feel sad at heart at his approaching departure. Official life imposes a great amount of heavy exacting work and drudgery and I venture to say that if all officials behave in the manner in which our guest of the evening has done and cultivate happy social relations with people amongst whom their lot is cast, they will find it repaid a hundred-fold in the amenities of life. Mr. Rustomji is thus leaving a brilliant example behind him for his successor to follow.

I have spoken, gentlemen, of our guest of the evening in his capacity as a judge and of his social qualities. I must refer also to his work in connection with the cheap grain shop. When people were very hard hit by the high prices of food grains ruling in the market and a cheap grain shop was opened here, Mr. Rustomji was Vice-President of the Committee of management. We all know with what zeal and deep solicitude for the poor in this town he worked all along.

It is no wonder, gentlemen, if we are loth to part with a gentleman so just and philanthropic at heart. We bid you, Mr. Rustomji, a hearty good-bye.

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## A Social Function.

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*(Speech delivered at Kamptee on the Eve of Mr. N. Rustomji's departure, dated 14th January 1920.)*

LADIES AND GENTLEMEN,

It is somewhat awkward for the same man to be called upon twice, in the short space of a couple of days, to give expression to the same thoughts and feelings. You know that I had an occasion only two days back to speak about our guest of the evening and what I will say now can only be a repetition of what I said then. Happily there is one which is so pleasant to dwell upon and I know how well we have all liked and respected our guest of the evening during the time he had been in our midst. In giving expression to my own feelings, I am conscious that I am reflecting the feelings of you all, and it is this thought that has emboldened me to comply with your request saying once again a few words by way of bidding farewell to our guest of the evening. Officials very often come and go; but it is not all the officials that succeed in winning the hearts of the people amongst whom they work in the manner our friend here has done. I have already dwelt on the last occasion on our friend's impartial administration of justice and also spoke then about the way Mr. Rustomji has always befriended the poor litigants who went to him for justice. After having administered impartial justice to the rich and poor alike, Mr. Rustomji has still retained the confidence and esteem of the money-lending classes of Kamptee. He has the happy combination of essential good nature and tact which has been such a distinguishing trait of his character.

As I said on the last occasion, Mr. Rustomji has lived amongst us to be one of us and has always participated in all our social happiness and sorrows. It is therefore no wonder, if we all regret so much to part with him.

I need not reiterate here his excellent work as Vice President of the cheap grain shop committee. You all know that he has not been merely an ornamental figure-head in the committee. With what ardour and enthusiasm he worked to bring relief to the poor is known to you all. We can not in adequate words describe the feelings of esteem and affection that we have for Mr. Rustomji specially at a time when he is parting from us.

On behalf of the citizens of Kamptee, I once more crave permission to bid you a hearty good-bye, Mr. Rustomji.

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# Opening remarks by the Chairman at Kamptee at a Temperance Meeting.

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( *Dated 2nd February 1920* ).

LADIES AND GENTLEMEN,

Happily the functions of a chairman on such occasions as the present are more or less of a formal nature—so I need not strike a long speech. The main feature of our today's programme is to hear calmly and patiently the lecture to be delivered by Miss Mary Campbell on temperance and to form a temperance Association in this term for work in Central Provinces. This lecture and Association without distinction of caste, creed, colour or religion vitally concerns us all in our daily life. I think I should be failing in my duty if I did not express in a word or two our lasting gratitude to the promoters of this concert at your presence here this evening. In their name I bid you all welcome and hope that I shall be greatly disappointed if you do not leave this place tonight feeling that it has done you immense good to be here. Without further preface, therefore, I call upon Miss. Mary Campbell to deliver her lecture on temperance which is the programme of the day.

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## Speech at the end of Programme at Kamptee on Temperance Meeting.

*(Dated 2nd February 1920).*

LADIES AND GENTLEMEN,

The best of freinds must part and so must we. But before we do so it is my pleasure and privilege to offer from the Chair, on your behalf as well as my own, our warmest thanks to those who have convened this meeting at the sacrifice of their time and leisure. You have, indeed, shown your appreciation of their services by attending this lecture, but you would, I am sure, wish me to emphasise your applause, expressing to the lecturer your sincere gratitude. I daresay that Miss. Mary Campbell, on her part, is sensible of the support you have given her by your presence as well as your approval, there is no doubt, but what is known as a "full-house" greatly assists in the deliverance of a lecture and formation of an association. I have never been able to forget Punch's picture, of the comic man struggling with an unsympathetic audience, and I do really believe, therefore, that our friend tonight will probably thank you almost as cordially as you thank her. Ladies and gentlemen, I have the greatest pleasure in proposing a hearty vote of thanks to the lecturer, Miss. Mary Campbell.

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# **Petition to the Secretary to the Hon'ble the Chief Commis- sioner, Legislative Depart- ment, Nagpur.**

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(Dated 29th April 1918.)

**SIR,**

I have the honour to approach you with this petition by way of revision against the order of the Deputy Commissioner of Nagpur dated the 15th April 1918. As I have not yet received the copy of the order although I applied on the 18th instant, I would request you to kindly send for the record from the office of the Municipal Committee and the Deputy Commissioner of Nagpur and peruse the same. The facts of the case I set forth hereunder :—

2. I own a house in No. 3 Modi Lines, Sitabuldi, Nagpur, and pay taxes to the extent of Rs. 77 per annum. In this house I resided, messed and slept as often as occasions demanded during the period from 1st July to 31st December 1917.

3. I also rented a house in tent lines from Mr. Gopal Mukund Buty from 12th May 1917 and appointed Mr. G. L. Krishnia, as my agent, to carry on money lending business in that ward i. e. No. 16 of Nagpur Municipality.

4. I have been the manager of R. B. C. N. Naidu's school since 25th July 1916 and pay taxes to the Nagpur Municipality to the extent of Rs. 37-8-0.

5. On the 24th December 1917, I applied to the Secretary, Civil Station Sub-Committee, Nagpur, to enter my name in the register of electors of ward No. 16 of Nagpur Municipality. The Vice-President of the Civil Station Sub-Committee informed me on the 22nd January

1918 that my name could not be entered on the register of electors of ward No. 16 under rule 8 of Nagpur Municipal election rules.

6. On the 23rd January 1918, I applied to the Secretary, Municipal Committee, Nagpur, under rule 14 (c) by way of appeal to enroll me as a voter of ward No. 16 of Nagpur Municipality.

7. The president, being away from Nagpur, first delegated his powers to three nominated members (1) Mr. F. J. Woodward, (2) Mr. Madho Rao Kinkhede and (3) Rao Sahib Dr. Daji Ramchandra. Of these the first two heard my arguments on 17th February 1918 and all the three heard my arguments on 23rd February 1918. The Secretary, Municipal Committee, informed me on 12th February 1918 in Telangkhedi garden that the name of Mr. F. J. Woodward has been suggested to the President and he will soon get his sanction. Mr. Woodward having read the whole correspondence and having heard my arguments and authorities in support of my case openly declared on 23rd February 1918 that he was entirely in my favour and asked the other two members whether they agreed with him. Mr. Madho Rao Kinkhede and Rao Sahib Dr. Daji Ramchandra replied to him that they agreed with him. The other two members elected Mr. F. J. Woodward as the President of that Sub-Committee. What I am surprised at is that although Mr. Woodward was in Nagpur from 12th February to 15th March 1918 the president never sent his delegation to Mr. Woodward till the day of his departure from Nagpur and immediately he left Nagpur, he delegated his power to Mr. W. G. Slaney who never heard my case and who was the signatory to the order dated 23rd March 1918. What I humbly inquire is why the president did not delegate his power to Mr. F. J. Woodward for one month and three days? The only inference that I can draw is that the Secretary having heard that Mr. Woodward was in my favour, did not like the idea that Mr. Woodward should decide my case. That was why

his name was kept back and immediately after his departure. Mr. Slaney's name was substituted for him. Do the principles of justice permit that one committee should hear my case and the other decide it? Such a procedure is recognised as inequitable in the whole civilized world. In spite of such glaring injustice the Deputy Commissioner of Nagpur upheld the decision of the illegally constituted sub-committee and rejected my appeal on the 15th instant.

8. Mr. M. V. Joshi and Rao Bahadur V. R. Pandit gave me written opinions to the effect that I was entitled to be enrolled as a voter. I filed these opinions before the election sub-committee and they are on the record.

9. The second illegality I beg to bring to your notice is that the Deputy Commissioner of Nagpur asked the Nagpur Municipal Committee to express its opinion on the concluding portion of rule 8 of election rules. The president convened a special meeting of the Municipal Committee on the 15th instant at which altogether fifteen members were present the majority of which, I understand, expressed an opinion against me. In this connection I beg to refer you to section 18 (1) of the C. P. Municipal Act 16 of 1903 wherein it is enacted that the quorum requisite for a special meeting of the Municipal Committee is half the number of members of the Committee. The Nagpur Municipal Committee consists of 40 members and 20 members form a legal quorum under the statutory provision of Section 18 (1) of the C. P. Municipal Act. Therefore the opinion expressed by 15 members who do not form a legal quorum is no opinion of the Municipal Committee. The president when he saw that there was no legal quorum should have adjourned the meeting to some other date; but as he proceeded with the business of the day without legal quorum, his action was illegal and ultra vires. As the Deputy Commissioner of Nagpur based his order passed by the illegally constituted quorum of the Municipal Committee on the 15th instant, his order too was illegal and should be set aside and re-election should take place as everything from top to bottom was illegal.

9. For your ready reference I would hereunder reiterate rule 8 of election rules which reads :—

“ No person should be entitled to be enrolled as a voter unless he has, during the whole of the six months ending 31st December or during the six months immediately preceding the date of a by-election, as the case may be, resided within the limits of the Municipality. Absence from the town which is, in the opinion of the Municipal Committee, temporary shall be permitted to count towards the period of the said six months”. The whole crux in this rule is the word “ *reside* ” which is not only ambiguous but it has a variety of meanings and it receives a different meaning according to the position in which it is found. The word “ *reside* ” is neither defined in the C. P. Municipal Act 16 of 1903 nor in the rules made thereunder. In the absence of any definition, it is not supposed to mean actual residence ; it means constructive residence. In the ruling of Ganendra Mohan Tagore *vs.* Jitendra Mohan Tagore, 14 Bengal Law Reports at page 71, Sir Montague E. Smith observed :— “ Where in a condition of residence no manner or period of residence is presented, but residence simply and without definition, exclusive residence is not supposed to mean ; and that in such cases the occasional use of the house and keeping an establishment in it, with the intention of again using it as a residence is a sufficient compliance with the condition ”. As a short and precise definition of the word “ *reside* ” was not hit in either the C. P. Municipal Act 16 of 1903 or the rules made thereunder, occasional residence meets the requirement in my case. In cases of Municipal franchise actual residence is quite unnecessary. Constructive residence is quite enough. In order to convince you of my argument I would ask you to refer to section 3 (n) of the Bombay City Municipal Act 3 of 1888, section 3 (40) of Calcutta Municipal Act 3 of 1899 and section 3 (30) of the Madras Municipal Act 3 of 1904 wherein the word “ *reside* ” has been defined as “ a person is deemed to reside in any dwelling which he sometimes uses, or some-

portion of which he sometimes uses though perhaps not uninterruptedly as a sleeping apartment, and a person is not deemed to cease to reside in any such dwelling, merely because he is absent from it, or has elsewhere another dwelling in which he resides, if there is the liberty of returning to it at any time and no abandonment of intention of returning thereto". It is defined in section 3 (30) of the Madras Municipal Act 3 of 1904 as "residence means a dwelling used for day and night for occupation, whether such occupation is continuous or not". The word *resident* means *inhabitant*. The word *inhabitant* has been defined in section 3 (5) of the U. P. Municipal Act 1 of 1900, in section 3 (7) of U. P. Municipal Act 1 of 1916, in section 3 (8) of Punjab Municipalities Act IV of 1911 and section 2 (4) of the Burmah Municipalities Act I of 1898 and it is as follows :—

"Inhabitant used with reference to any local area includes any person ordinarily residing or carrying business or owning or occupying immoveable property therein". My Sitabuldi house and house in Tent Lines is my residence although I am absent from it. Under the above definitions continuous residence is not necessary. Under the above definitions my animus revertendi is quite enough. As the word "*reside*" was not defined in the C. P. Municipal Act 16 of 1903 or in the rules made thereunder, it cannot be interpreted as actual residence. It must be interpreted as defined in the above sections of the various Municipal Acts of this country. The word "*reside*" cannot be interpreted in its literal meaning as "*actual residence*" but its judicial meaning is "*constructive residence*". It is laid down at page 645 of volume 16 of Halsbury's Laws of England that a person may be resident within the Municipal limits, although not personally present. The word "*reside*" is again defined in explanation 1 of section 20 of Civil Procedure Code of 1908. This explanation once for all decides the meaning of the word "*reside*" entirely in my favour. These are the judicial and legal meanings of the words "*reside*" and

*"residents"* and you will interpret them not in their literal but legal sense. In the legal sense I am decidedly a constructive resident of Nagpur Municipality. In all civilized countries and in all the provinces of India the franchise rules are constructed most literally in favour of the subjects. I am at a loss to understand why the Nagpur Municipal Committee should interpret rule 3 so drastically and rigidly. It is not a model Municipality throughout the whole of India to adhere to such drastic clauses in its literal sense. I pay Rs. 126 by way of taxes to the Nagpur Municipality. The first principles of the British democracy are no taxation without representation. It is inequitable, unjust and unfair to deprive me of my franchise after having paid Rs. 126 as taxes to the Municipal Committee. It is not right and proper on the part of the Nagpur Municipal Committee to arbitrarily exclude persons who pay taxes to the Municipality from the register of voters after the celebrated announcement of the Secretary of State for India dated the 20th August 1917 promising this country Responsible Government. The spirit of this announcement is that all people should be enfranchised liberally and be made fit for the responsible government. In these circumstances it is unimaginable to me why I should be so arbitrarily and unjustly disenfranchised in the recent Nagpur Municipal elections. Mr. Gladstone once remarked that "Local government is a training school for imperial Government, because the forms and habits of Local government enable the country to find men who are fit to carry on the business of the Government of the country".

10. The late Sir William Hunter, himself a distinguished member of the Indian Civil Service of the time, said in a speech on Indian Finance at Birmingham in December 1879 :—

"I do not believe that a people numbering one-sixth of the whole population of this globe and whose aspirations have been nourished from their earliest youth on the strong food of English liberty can be permanently denied a voice

in the Government of their country. I do not believe that races among whom we raise a gross revenue of sixty millions sterling and into whom we have instilled the maxim of no taxation without representation as the fundamental right of a people can be permanently excluded from a share in the management of their finances. The children whom we have trained in these ideas are now the grown-up men with whom the Indian administration has to deal. We have planted the tree of political aspirations in India, the tree has very nearly reached the roof. Unless you give play to its growth, the day will come when either its top will burst through the roof or you will have to cut down with sharp steel the fair tree which your own hands have planted. Gentlemen, I say, while there is still time, take off the roof."

This sound gospel preached by that able and eminent member of the Civil Service about 40 years ago has been entirely overlooked by the Nagpur Municipal Committee sheerly out of conservative motives. I earnestly hope and trust you will kindly take the above maxim into your consideration and grant me the franchise craved for.

11. I would now draw your attention to rule 5 under Class A which reads "Persons who have been assessed to a sum of not less than six rupees per annum, in taxes other than octroi, or occupying lands or houses so assessed, shall be entitled to elect 24 representatives". The point to be considered in this rule is who is the occupier of my house situated in Sitabuldi, who is the occupier of my house in Tent lines and who is the occupier of the educational institution called R. B. C. N. Naidu's school situated in Tent Lines. For the first and third no franchise is given to any body and for thesecond my agent Mr. G. L. Krishnia has been enfranchised? I pay the rent to Mr. Gopal Mukund Buty for my house in Tent Lines. Mr. G. L. Krishnia is my agent who carries on money-lending business on my behalf? How can it be said that my agent Mr. G. L. Krishnia is the occupier of my house in Tent Lines when I pay the rent myself? In this connection I would invite your attention to page 98

of Maxwell's Interpretation of Statutes wherein it is laid down that the word "*occupier*" has received different meanings, varying with the object of the enactment. Ordinarily, the tenant of premises is the occupier of them, although he may be personally absent from them; while a servant or an officer who is in actual occupation of premises, *virtute officii*, would not be an occupier. In this case I am the rent-paying tenant of the premises in Tent Lines and therefore I am the occupier of the house in Tent Lines under rule 10 A (1) and not Mr. G. L. Krishnia who is my agent and servant as laid down in the above rule of Maxwell and as laid down in rule 5 under class A. I am the person who should vote for the election of a member for ward No. 16. It is unintelligible to me how Mr. G. L. Krishnia who is my servant and who is not the rent-paying tenant can be enfranchised. In these circumstances the enrolment of Mr. G. L. Krishnia's name as a voter is unjustifiable and unwarranted by rule 10 a (II). I would again refer you to pages 425 and 426 of Maxwell's Interpretation of Statutes where it is laid down: "for it is required by the spirit of our free institutions that the interpretation of all Statutes should be favourable to personal liberty :.....that when an equivocal word or ambiguous sentence leaves a reasonable doubt of its meaning which the canons of interpretation fail to solve, the benefit of the doubt should be given to the subject, and against the legislature which has failed to explain itself". In rule 8 the framer of the rule used the word "*reside*" which is equivocal and ambiguous and he has failed to explain or define it in the rules, so the benefit of the doubt should be given to me; but the Nagpur Municipal Committee and the Deputy Commissioner of Nagpur have both, contrary to the well recognised principles of law, given the benefit of the doubt in favour of the rule-maker and against me. They were not right in doing so. Besides the spirit of the British free institutions require that the interpretation of all statutes should be favourable to personal liberty. In this case I pay Municipal taxes aggregating to Rs. 126 per annum. By the payment of taxes I acquired a franchise which is my



personal liberty. So Rule 8 should be interpreted favourable to my personal liberty or franchise. The Nagpur Municipal Committee and the Deputy Commission of Nagpur were entirely wrong in restraining or cutting down my franchise. Again Maxwell says at page 427 that "it is a recognised rule that they should be interpreted, if possible, so as to respect such rights". Therefore it was the duty of the Municipal Committee mostly consist of lawyers to interpret rule 8 in such a way so as to respect my right ; but the Committee failed to do justice.

13. The concluding portion of rule 8 reads : " Absence from the town which is, in the opinion of the Municipal Committee temporary, shall be permitted to count towards the period of the said six months." The word "*absence*" in this rule is opposed to the word "*residence*." It means that in the discretion of the Municipal Committee, absence from the town for the whole qualifying period of six months shall be permitted to count towards that period. It may be said that under rule 8, the Municipal Committee has full discretion ; I beg to submit that discretion in cases of franchise should be very cautiously discriminately and liberally exercised. In interpreting statutes and the rules made thereunder discretion must be exercised on general and judicial principles of law and not arbitrarily. In *Lalibhai vs. The Municipal Corporation of Bombay*, 33 Bombay 334 at page 348 it is laid down that even discretionary powers must be exercised in a reasonable manner and not capriciously or arbitrarily. It is again said in the same ruling that discretion must not be arbitrary. The very term itself imports exercise of judgment, wisdom and skill as contradistinguished from unthinking folly, heady violence and rash injustice. Discretion means a sound discretion guided by law. It must be governed by rule and not by humour. It must not be arbitrary, vague and fanciful but legal and regular ; Per Lord Mansfield in *Wilkes case* cited in 3 Madras High Court Reports 113 at page 115. In *Pendse vs. Malse*, 3 Bombay High Court Reports Appellate cases, 100, it is laid down :—

"When the legislature has not made any particular rule of conduct imperative, but leaves the procedure to be followed under particular circumstances within the discretion of the judge, it is intended that a sound and reasonable discretion should be exercised and not that the matter should depend on the caprice or fancy of the judge or individual in whom the discretion may be vested. When a court of original jurisdiction exercised the discretion vested in it in an irregular and unreasonable manner, it is the duty of the appellate court to rectify the erroneous procedure. If it refuse the relief which it has power to grant arbitrarily and without assigning any good reason, it is the duty of the court to which an appeal lies from its decision to correct the error which has been committed." In *Rooke's case*, 5 Reporter 99, the learned English judges laid down :—

"When the Act directs the judge to proceed in the exercise of his discretion, it does not mean that he is to act according to his own sweet will and pleasure, or caprice or mere fancy or private opinion, but according to the rules of reason and law and justice". Lord Penzance laid down the dictum in *Morgon*, L. R. 1 P and D 644 that "a loose and unfettered discretion is likely to be the refuge of vagueness in decision and the harbour of half-formed thought". In my case neither the Nagpur Municipal Committee nor the election sub-committee exercised the judicial discretion but they have acted according to their own sweet will and pleasure or caprice and private opinions. They have acted arbitrarily and without assigning any good reason. It is therefore your duty, Sir, now to correct the error which they have committed. I respectfully beg to submit that the Municipal Committee and the election sub-committee abused their discretion in my case and therefore request that you would be pleased to set aside their order and include my name in the register of electors of ward No. 16 so that I may have the power of voting in the election and further that you would be pleased to set aside the election that took place on the 16th instant of ward No. 16 so that I may be able to vote.

13. I have never pleaded that I have actually been bodily present in my house in Sitabuldi throughout the whole period of six months ending 31st December 1917. I have all along contended that the said Sitabuldi house is my residence ; I have more residences than one, and that I have actually resided there for certain periods out of the said period of six months and during the rest the residence was wholly at my disposal and available to me as residence whenever I wished to eat, drink and sleep there. The word "reside" has nowhere been defined in the C. P. Municipal Act 16 of 1903 or in the rules made thereunder. The Election rules aforesaid and in particular rule 8 seems to have, as a comparison will show, been framed on the lines of section 3 of the Representation of Peoples Act 1867 ( 30 & 31 Victoria chapter 102 ) and section 2 of the later Act of 1884 ( 48 & 49 Victoria chapter 3 ) the wording whereof is given below for ready reference :—

(a) Section 3 ( Act of 1867 ) :—" Every man shall in and after the year 1868 be entitled to be registered as a voter and, when registered to vote for a member or members to serve in Parliament for a borough, who is qualified as follows ; ( that is to say ),

(1) is of full age and not subject to any legal incapacity and,

(2) so on the last day of July of any year, and *during the whole of the preceding 12 calendar months been an inhabitant-occupier, as owner or tenant, of any dwelling house within the borough.*

(b) Section 2 ( Act of 1884 ) :—" A uniform household franchise and a uniform lodger-franchise at elections shall be established in all countries and boroughs throughout the United Kingdom, and every man possessed of a house-hold qualification or a lodger qualification shall, if the qualifying premises be situate in any country in England or Scotland, be entitled to be registered as a voter, and

when registered to vote at an election for such country, and if the qualifying premises be situate in a country or borough in Ireland, be entitled to be registered as a voter, and when registered to vote at an election for such country or borough".

14. (a) The term "*reside*" has been interpreted by the eminent judges of the Supreme Court in England in the following manner :--

Durant *vs.* Carter, L. R. 9 C. P. Page 261 (1873).

Atkinson *vs.* Collard, 16 Q. B. D. page 254 (1885)  
per cave J. at page 266.

Taylor *vs.* St. Mary Abbott Overseers, L. R. 6 C. P.  
page 309 (1870).

"It is not necessary, however, that he should in fact live in the house during the whole 365 days (the period in English statute being one year for household qualification). It is sufficient if he inhabits it constructively, having an intention of returning after a voluntary absence and the power to return any time without breach of any legal obligation. (Note. Reside and inhabit mean the same). A person may reside in several houses at the same time when he can live at each when he pleases".

(b) Bond *vs.* St George Hanover Square overseers L. R. 6 C. P. page 312 (1870), and Powell *vs.* Guest, 18 C. B. (N. S.) 72 at page 80.

"It is not necessary, however, that he should have actually lived uninterruptedly in the lodgings *during the whole period*, or that the lodgings should be his only place of residence, it is quite sufficient if he has the power to occupy the lodgings when he pleases."

"In order to constitute residence, a party must possess at least a sleeping apartment, but that an uninterrupted abiding at such dwelling is not requisite, and that absence no matter how long, if there be the liberty of returning at any time, and no abandonment of the intention to return,

whenever it may suit the party's pleasure or convenience so to do, will not prevent constructive legal residence."

See also Lord Halsbury's Laws of England volume 12 pages 164 and 177.

(c) Erle J. in R. V. Sargent 5 Times Reports 466 at page 468 said :—

"It happens perpetually that persons have different places of abode in some of which they reside, more or less, as suits their convenience. Was it ever doubted that a fortnight's residence or less time did not as much constitute a residence as any greater portion of time?" This case was quoted in R. V. Mayor Exeter (West Combe's case), L. R. 4 Q. B. D. pages 110-113. This is a case under Municipal Corporation Act. 5 and 6, William IV, chapter 76 section. In this case the learned judges held that West-combe was entitled to vote.

15. These judicial decisions from the highest tribunals in England which were entirely in my favour were quoted by me to the Election sub-committee, to the Municipal Committee on the 15th instant and to the Deputy Commissioner of Nagpur in my appeal dated the 30th March 1918 ; but these pertinent authorities have been entirely overlooked by them and particularly the Deputy Commissioner of Nagpur refused to take these authorities into his consideration as they do not apply to this country, forgetting that before the advent of British rule Municipal franchise was unknown in India and it traversed from West to East. In Municipal franchise cases when the principles underlying were the same in both countries, the above judicial decisions cannot and ought not to be rejected whole-sale as inapplicable and inoperative to this country. If you look to the several Indian Law Reports of the various Indian High Courts, English decisions are taken as authorities when the principles of law in both the countries are the same. Especially the Municipal franchise rules are borrowed from English constitution and I do not understand the propriety

how the English decisions cannot be taken as authorities in this country. This is a lame argument and I hope and trust that you would be pleased to take the above English judicial decisions into your consideration and decide the case in my favour.

16. *Regina vs. The Vice-Chancellor of the University of Oxford and the Hebdomadal Council*, L. R. 7 Q. B. cases 471 (1871-72).

The Election sub-committee who passed the order on 23rd March 1918 does not appear to have considered the above authorities, it having seemed to them that the remark in the extremely summary decision of the judges who decided the Oxford University congregation case noted above to the effect that these cases under the Registration Act were not in point was sufficient to enable them to attach no importance to the said decisions. They totally failed to observe that the Oxford case was one where the interpretation of the statute relating to the constitution of the University of Oxford was called for from the learned judges and with their knowledge of the various regulations of the University in regard to residence during the term-time by members "*statu pupillari*" they were inclined to interpret the word "*reside*" in the same sense in which it was used in regard to the latter and the most important circumstance which made all the difference between the representation of peoples Act (Registration Acts mentioned] in the judgment being only those subservient to the representation to the peoples acts) and the Oxford University Act 1854 (17 and 18 Victoria, chapter 81) viz. that by section 13 of the latter Act it was laid down that if any member of the Council shall reside for less than 24 weeks during the term-time, in any year, his seat shall become vacant and this provision led the judges to adopt the interpretation of the term "*reside*" viz: actual bodily presence in the place for that time which was the usual interpretation of the term when applied to members in "*statu pupillari*." No such or similar clause exists either in the representation of

Peoples Acts of 1867 and 1884 or in the C. P. Municipal Act 16 of 1903 or in the rules and by-laws framed thereunder. The gentlemen of the Committee who passed the order not being conversant with the whole of the Oxford University statute and the conditions obtaining there and having perhaps misunderstood the remark in the judgment relied upon by them as showing that the registration act referred therein was not concerned with elections but rather with the registration of assurances, the sense in which the term registration Act in India is used, have entirely gone wrong in deciding the question in the way they did.

17. The reliance placed on certain passages in Maxwell on the interpretation of statutes is misplaced and where these passages are couched in terms too wide to be supported by the decisions of the highest tribunals, it is obvious that they cannot be regarded as authoritative.

18. I beg respectfully to submit that the basis of the franchise under the Nagpur Election rules is not bodily presence within the Municipal limits throughout the qualifying period of six months but the payment of taxes to the Municipal Committee and the possession of opportunities of obtaining in return thereof the services which provide for the essential conditions of life in a progressive and civilised town and other amenities such as sanitation, water supply, facilities for communication, marketing, selling, education &c., and rule 8 lays down no more than state that the house-holder franchise, the lodger franchise, and the like are the principle franchises allowed by it. As already stated above the provisions in Municipal Acts and rules made thereunder for the various provinces and presidencies of India made this clear and the word "*reside*" was therein used in the sense for which I contend and there is no reason to imagine that the Nagpur Election rules were framed on principles wholly different from those on which other Acts and rules were framed in the said provinces and presidencies.

19. I beg respectfully to submit that the interpretation sought to be put in my case upon the word "*reside*" has

never been put by the Municipal Committee and the President or any sub-committee to which he had delegated his powers. As instances I may cite :—

(a) Khan Bahadur Byramji Pestonji who, it is well known, has not stayed in Nagpur for more than a few days during the qualifying period of six months but whose name has none the less and as I submit rightly been entered on the register of electors for the ward known as Ganpat Rao's Chhaoni.

(b) Mr. Madho Krishna Padhye has his residence outside Municipal limits, being beyond the reserve Police Depot and who has a printing press to the west of Craddock Town where he occasionally stays and messes. The Municipal Committee held that his name should be entered in the register of electors both for the graduates constituency as well as house-hold constituency.

(c) The President of the Municipal Committee—the Hon'ble Sir G. M. Chitnavis, himself has, it is well known, throughout the qualifying period of six months lived in Dighori several miles beyond Nagpur when he has not remained in Nagpur at all. His name, no doubt, appears in the register of electors for Chitnavis Pura.

(d) Rao Bahadur Waman Rao Kolhatker never lived in Nagpur even for a single day during the qualifying period of six months i. e. from 1st July to 31st December 1917. His name finds a place in the register of electors for Sitabuldi ward ( south ).

20. Besides the above four specific instances you will find a number of other instances if the electoral rolls of different wards are carefully and minutely scrutinised. What inference am I to draw from all these instances? The only conclusion I can come to is that the Municipal Committee can register any body's name as elector or remove any body's name from the register of voters or can refuse any body's name to be enrolled as a voter at its sweet will and pleasure. It appears that the power of the Municipal Committee is unchecked or uncontrolled by any Act or rules



made thereunder or by any higher authority. I appealed to the Deputy Commissioner but he has not repaired my grievance but on the other hand confirmed the Municipal Committee's caprice, humour and private opinion. Bodily presence is nowhere prescribed for Municipal franchise in any part of the civilized world or in any province or presidency of India. On the 8th instant I had an occasion of meeting the Hon'ble Sir G.M. Chitnavis in the house of a common friend. He expressly told me that he was very sorry for refusing to enter my name in the register of electors of ward No. 16. He further said that Sir Bipin Krishna Bose came to a hasty conclusion in the matter. Had he been present in Nagpur he would have certainly enrolled my name as a voter. He thought that I would be a very useful member in the Municipality. The same gentleman tells me one thing and votes in the Municipal Committee on the 15th inst. quite the reverse. Where is the consistency in his statement? Most of the Municipal Committee members when they heard the arguments of my counsel in Municipal Hall on the 15th instant were thoroughly satisfied that I was a resident of the Nagpur Municipality; but for the reasons best known to them gave their opinion against me. Even Mr. M. B. Kinkhede and Dr. Rao Sahib Daji Ramchandra expressed their opinion openly in the sub-committee on 23rd February 1918 that they were in favour of enrolling my name as a voter. It is a mystery how they gave their decision quite the reverse. It appears that Mr. M. B. Kinkhede and Rao Sahib Dr. Daji Ramchandra were simply waiting for the departure of Mr. Woodward so that they may write any order they liked. All these actions clearly go to show that the election sub-committee abused their discretion and committed a rash injustice to me. In this connection I would draw your attention to pages 187 and 188 of Maxwell's interpretation of statutes (4th edition) wherein it is laid down :—"Where, as in a multitude of Acts, something is left to be done according to the discretion of the authority on whom the power of doing it is conferred, the discretion must be exercised honestly and in the spirit of the statute, otherwise the act done would not fall

within the statute. "*According to his discretion*," means, it has been said, according to the rules of reason and justice, not private opinion; according to law and not humour; it is to be, not arbitrary, vague and fanciful, but legal and regular; to be exercised not capriciously but on judicial grounds and for substantial reasons. And it must be exercised within the limits to which an honest man competent to the discharge of his office ought to confine himself; that is, within the limits and for the objects intended by the legislature. These dicta may be summed up in the statement of Lord Esher that the discretion must be exercised without taking into account any reason which is not a legal one. If people who have to exercise a public duty by exercising their discretion take into account matters which the courts consider not to be proper for the guidance of their discretion, then in the eye of the law they have not exercised their discretion."

21. The election sub-committee in para 14 of its order states in regard to its discretion :—"No necessity for the exercise of the discretion vested in us by rule 8 of excusing Rai Sahib's absence from the Nagpur Municipal town, on the ground that it is temporary now arises in the circumstances of the case. Moreover, we are not prepared to exercise our discretion in favour of a gentleman who does not choose to explain away his absence from the Municipal town of Nagpur and in whose opinion it is derogatory to go to court to swear an affidavit which would have enabled him to substantiate his allegations more fully." In the first place, I would inquire whether the Nagpur Municipality demanded a sworn affidavit from (1) K. B. Byramji Pestonji, (2) Mr. M. K. Padhye. (3) The Hon'ble Sir G. M. Chitnavis, and (4) R. B. Waman Rao Kolhatker. These gentlemen were enrolled as voters in their respective wards without the demand of any sworn affidavits from them. Why then do they specially want me to file an affidavit? I can see no substantial reason for their uncalled-for and unwarrantable demand? This demand appears to me the most preposterous. So I declined to give a second affidavit as I rightly thought it derogatory to go to court as often as

the election sub-committee required when I was alone singled out for this purpose. The second reason of my declining to file a second affidavit was that the filing of affidavits in Municipal franchise cases was nowhere prescribed either in the C. P. Municipal Act 16 of 1903 or in the rules or by-laws framed thereunder. I therefore thought it derogatory to go to the court to swear an affidavit, as affidavits were unnecessary in cases of claims of this nature. I referred to the election sub-committee the cases of *in re R. C. Sen*, 39 Calcutta 598; *in re Nisith Sen*, 39 Calcutta 754; *in re Rajendra* 19 Calcutta 192, 195 and 198; *in re Vijiaraghavloo*, 26 Madras Law Journal 310; and *in re Corkhill*, 22 Calcutta 717. In all these cases the election departments of Calcutta and Madras Municipalities did not demand sworn affidavits from vote-claimants. I have only to give the notice of my claim which I had already done. Such being the case it is incomprehensible to me why the election sub committee wanted to adhere to a novel procedure in my case. In English Acts a special form is provided for notice of vote-claimant; whereas in this country none of the kind is provided. Considering all these circumstances I declined to give a second sworn affidavit. My third and most substantial reason is that mine has all along been a case of constructive residence in my Sitabuldi house. The word "*absence*" means absence of even constructive residence. How shall I be consistent with my case if I were to explain away my absence which is not at all my case? The spirit of para 14 of the election sub-committee's order dated 23rd March 1918 clearly go to show that they have not assigned substantial reasons for not exercising their judicial discretion. On the other hand, their order conveyed in paragraph 14 appears to me most arrogant and intolerable. Their sole motive from the very beginning was to deprive me of my franchise which was against all principles of equity, justice and fairplay. It appears to me that these gentlemen, without any reasonable and sufficient cause, were biassed and prejudiced against me. They have not exercised their discretion on judicial grounds and for substantial reasons. Discretion is to be exercised

not capriciously but according to the rules of reason and justice. It is to be, not arbitrary, vague and fanciful but legal and regular. The absence of all these judicial and wise principles go to show that their order is not only based on private opinion, but it is exercised taking into account any reason which is not a legal one. My humble prayer, therefore, is that their order shall be set aside and my grievance against them shall be redressed.

22. I beg to submit also that the arguments used by the committee viz. that actual bodily presence throughout the qualifying period in any particular locality was regarded by the legislature as essential for having the franchise in that particular locality and that having an interest in it and occasions for visiting and staying therein such as are afforded by carrying on business or managing an educational institution there or having a residence which may be dealt in at any time by the person did not in the view of the framers of the election rules constitute sufficient ground for allowing the exercise of the franchise cannot bear examination. The various rules show the contrary to have been the intention of the framers of the rules : for if the view of the said three gentlemen were correct there would have been all the stronger reason for the candidate for election being made ineligible unless he had actually and bodily resided in the particular ward for the whole of the period of six months : but the rules lay down that the conditions other than those of bodily residence throughout six months in the ward such as carrying on business, managing an institution &c. suffice to make him eligible. Still less tenable is the argument from the possibility of defaults in attendance at Municipal meetings by elected members not bodily present throughout in the town of Nagpur and the creation of vacancies by reason thereof which so far as enrolment of a voter is concerned, is wholly irrelevant and absolutely unintelligible. Even as regards elected members or candidates for election the argument makes the large and wholly unjustifiable assumption that a candidate who offers himself for election will, in spite of his offering to serve on the

committee, be a habitual defaulter in the performance of duties he has willingly chosen to perform.

23. The election rules and particularly rule 8 have been framed under section 150, sub-section 2, clauses (b), (c) and (d), of the C. P. Municipal Act 16 of 1903, but the above clauses do not authorise the Municipal Committee to make rule 8 with privileges and powers interfering with the property or rights of others. If such drastic rules are made they are construed against those persons or bodies more strictly. In this connection I would refer you to pages 449, 450 and 451 of Maxwell's interpretation of statutes (4th edition) wherein it is laid down: "As regards enactments of a local or personal character, which confer any exceptional exemption from a common burden, invest private persons or bodies, for their own benefit and profit, with privileges and powers interfering with the property or rights of others, they are construed against those persons or bodies more strictly, perhaps, than any other kind of enactment. Any person whose property is interfered with has a right to require that those who interfere shall comply with the letter of the enactment so far as it makes provision on his behalf. The courts take notice that they are obtained on the petitions framed by their promoters; and in construing them, regard them, as they are in effect, contracts between those persons, or those whom they represent, and the Legislature on behalf of the public and for the public good. Their language is therefore treated as the language of their promoters, who asked the legislature for them; and when doubt arises as to the construction of that language, the maxim, ordinarily inapplicable to the interpretation of statutes, that words are to be understood most strongly against him who uses them, is justly applied. The benefit of the doubt is to be given to those who might be prejudiced by the exercise of the powers which the enactments grants, and against those who claim to exercise them." In this case the rules are made by the Municipal Committee but it did not define the word "*reside*" which is ambiguous and equivocal and has a variety of meanings. As the

Municipal Committee now says that the word "*reside*" means actual bodily presence which meaning, if permitted to remain unchallenged, would interfere with the property and rights of others. Therefore the word "*reside*" shall be construed as constructive residence as against the Nagpur Municipal Committee more strictly. As this is a doubtful word, the benefit of the doubt is to be given to me who is prejudiced by the Municipal Committee's arbitrary powers and against the Municipal Committee.

24. Justice is the bulwark of States and Thrones. Justice is and has always been the strongest support of British rule in India. It is not only necessary that justice should be done but also that people should be convinced that justice has been done. Here is what Hume said regarding the administration of justice :—" Man born in a family. is compelled to maintain society from necessity, from natural inclination, and from habit. The same creature, in his further progress, is engaged to establish political society, in order to administer justice, without which there can be no peace among them, nor safety, nor mutual intercourse. We are therefore to look upon all the vast apparatus of our government as having ultimately no other object or purpose but the distribution of justice, or in other words, the support of the twelve judges. Kings and Parliaments, fleets and armies, officers of the court and revenue, ambassadors, ministers and privy councillors, are all subordinate in the end to this part of the administration." What my most humble and respectful prayer to the Hon'ble the Chief Commissioner is that justice shall be done in my case as I am arbitrarily and capriciously disenfranchised by the election sub-committee.

25. My contention right through this case was that no bodily presence or residence was necessary within the Municipal limits in franchise cases and constructive residence was sufficient. You will certainly come to a conclusion that my contention was correct and justified if you would be pleased to refer to rule II (1) of Berar election rules published under C. P. Gazette Notification No. 82/58-1-1917

in the C. P. Gazette dated the 27th April 1918. It lays down :—"The qualifications for enrolment in the register of voters for the several constituencies shall be :— (1) residence, or the possession of a shop, office or other place at which the voter carries on his business, within the limits of the Municipality concerned during the whole of the four months next before the first publication of the lists of voters under Rule V. provided that temporary absence shall count towards the period of four months." This rule clearly goes to prove that constructive residence was sufficient in Municipal franchise cases. I would therefore most humbly and respectfully request that you would kindly place this my petition of revision before the Hon'ble the Chief Commissioner with your legal opinion thereon so that His Honour be pleased to set aside the order of the election sub-Committee and order the re-election of Ward No. 16 of Nagpur Municipality District which took place on the 16th instant, so that I may be able to take part in it.

26. I beg to enclose herein for your perusal a statement showing the supplementary authorities in support of my case and also the opinions of Mr. M. V. Joshi, Advocate dated 30th January 1918 and 18th February 1918 and R. B. V. R. Pandit's opinion dated 4th February 1918. These supplementary authorities and opinions will clearly bring you to a conclusion that my case is thoroughly just and I am entitled to the relief prayed for. I very much regret that this petition has been very lengthy, but the importance of the subject is my excuse.

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## Note read before the District Council of Nagpur regarding the Revocation of Transfer of Mohapa Head Master, Bhargav Mahipat.

*(31st August 1919.)*

1. There are surely two parties in Mohapa. One is headed by Ganpat Rao Deshmukh and the other by Appa Rao Halde and Krishna Patel. Both parties made applications to the District Council in a partisan spirit. I therefore ask the Council to attach no weight to these representations and decide the case purely on the merits which are before the Council to day.

2. The main issue in this case is whether the Mohapa Head Master, Bhargav Mahipat has committed a gross negligence in the performance of his duties as Head Master of Mohapa School. I would briefly state the case hereunder showing that he *did* misconduct himself in the performance of his duties.

3. The Vice-Chairman of the District Council visited Mohapa school on 6th April 1919 and found several irregularities in the Head Master's work and the following points were noted against him and the Head Master was asked to explain them in writing.

(a) The teachers' attendance Register regarding the entry of 30th December 1918 contradicts the note of his visit recorded on that very day by Mr. Appa Rao Halde in the Committee's Proceedings.

(b) The contradiction of the entries against the name of Ganpati Jairam Dodke in the Teachers' Attendance Register on the dates 13th to 30th



- April 1918 and 18th February to 21st February relating to him appearing in the leave register.
- (c) The other important contradictions regarding Ganpati Jairam Dodke i. e. of his sickness from 28th September 1918 to 3rd October 1918 and from 18th October 1918 to 21st October 1918.
  - (d) The leave register was wrongly filled up.
  - (e) The leave register was left unfilled and unsigned by the Head Master.
  - (f) The salary of Ganpati Jairam was drawn in full and paid in full for April, September, October and December 1918 entirely disregarding the rules on the subject and to the detriment of the Council's interest.
  - (g) The result of class taught by Bhargav Mahipat as disclosed at the promotion examination was unsatisfactory.

As a conclusion from the above defects the Vice-Chairman came to the conclusion that the Head Master's work both, administrative and tuitional, was very unsatisfactory.

4. The Vice-Chairman placed a copy of his inspection note before the meeting of the School Board held on the 16th and 17th May 1919. The members of the School Board present on 16th and 17th May 1919 were :—

- (1) *R. B. V. R. Pandit.*
- (2) *Mr. Jageshwar Rao Bodhankar.*
- (3) „ *Madho Rao Gadge.*
- (4) „ *Yado Rao Doke.*
- (5) „ *Govind Rao Deshmukh.*

They unanimously resolved, as resolution No. 4 shows, that Bhargav Mahipat, Head Master, Mohapa, on Rs. 35 be transferred to Kondhali on the same pay and in the same capacity.

5. When the school Board proceedings came before the District Council for ratification on 22nd June 1919, Mr. Appa Rao Halde moved a resolution that the transfer of Bhargav Mahipat ordered by the school Board be reversed.

I made a counter proposal to the effect that the matter be referred to the School Board for disposal with all the papers of the case on the merits and that the order of transfer passed by the Board do meanwhile remain in full force. My proposition was carried by 10 votes against 9.

6. On 22nd June 1919 at 4 p. m. the meeting of the School Board was held in the District Council office. By a bare majority of votes the School Board appointed a sub-committee consisting of (1) the Hon'ble R. B. M. G. Deshpande, (2) Mr. R. M. Mandleker and (3) Mr. Jageshwar Rao Bodhankar to inquire into the charges appearing against Bhargav Mahipat in the papers before the Board and to report the result of their inquiry to the School Board within 10 days and on receipt of their report the whole question of the punishment and of transfer would be decided upon by the School Board at one of its meetings. The Sub-committee went to Mohapa and inquired into the case on 11 July 1919 and submitted its report sometime thereafter.

7. The sub-committee's Report was placed before the School Board meeting held on 20th July 1919. The members of the School Board were (1) *R. B. V. R. Pandit* (2) *Mr. Jageshwar Rao Bodhankar*, (3) *Mr. R. M. Mandleker*, (4) *Mr. Yado Rao Doke* (5) *Mr. Venkat Rao Gujar*, (6) *Mr. Krishna Patel* and (7) *Mr. Appa Rao Halde*. On the strength of the Sub-Committee's Report and in spite of the Vice-Chairman's protests against rushing the matter though the School Board resolved straight way by majority, while *R. B. V. R. Pandit* dissenting that *Bargav Mahipat* be re-transferred to Mohapa and a letter of reprimand be sent to him.

8. Before dealing with the case on its merits I would first challenge the legal constitution of the Sub-Committee appointed by the School Board on 22nd June 1919 to inquire into the charge appearing against *Bhargav Mahipat*, Head Master of Mohapa. In this connection I would draw the attention of the Council to article 14, at page 10, Section D, of District Council Manual of 1910 edition which lays down :—*The District Council or Local Board shall have the*

*power, for general working purposes, to appoint one or more of its members to be a Committee for the conduct of any work or works or to provisionally decide or report on any matter, and may delegate to it such of its own powers as may be necessary.* The proceedings of the Committee shall be subject to the review and confirmation of the District Council or Local Board". According to this rule the District Council or Local Board can *alone* appoint a sub-committee and can delegate to it such of its own powers as may be necessary. But the School Board is nowhere invested with powers to appoint a sub-committee to inquire into any question and report thereon. The School Board has itself only the authority delegated to it by the Council and it could not legally delegate that authority to a sub-committee appointed by it. In these circumstances any violation of the above rules is illegal and ultra vires. I therefore appeal to the Council to summarily reject the sub-committee's Report as illegal and beyond authority.

9. Even assuming for the sake of argument that the School Board has power to appoint a sub-committee, I think the sub-committee should consist of those who are purely members of the School Board. It could not delegate its delegated authority to a body composed partly of the members of the School Board and partly of those who do not belong to it. This could logically be inferred from the reading of Article 202 of Education Manual which lays down that "all questions relating to the appointment, promotion, reduction, suspension, and dismissal of masters shall be, in the first instance, decided by the School Board". The inclusion of the Hon'ble R. B. M. G. Deshpande who is not a member of the School Board, in the Sub-committee is beyond the power of the School Board and is therefore not legal. I ask the council to reject the sub-committee's report as illegal and ultra vires.

10. On the face of the Head Master, Bhargav Mahipat's admissions in the concluding portions of paragraphs 2, 3 and 4 of his explanation dated 11-5-1919 the School

Board arbitrarily and ignorantly appointed a sub committee although there was absolutely no necessity for it. This unauthorised act of the School Board invalidated all the proceedings of the School Board subsequent to 16th and 17th May 1919 and I ask the Council to ratify the unanimous resolution of the School Board passed on the 16th and 17th May 1919, transferring Bhargav Mahipat from Mohapa to Kondhali.

11. I have so far discussed the legal aspect of the question. Now I would deal on the merits and demerits of the Sub-Committee's Report dealing with the charges appearing against Bhargav Mahipat. The School Board on the 16th and 17th May 1919 unanimously resolved to transfer Bhargav Mahipat from Mohapa to Kondhali. This was done on the strength of the Vice-Chairman's inspection note dated 6-4-1919. The same Board with bated breath by a majority hastily decided on 20-7-1919 to re-transfer Bhargav Mahipat from Kondhali to Mohapa. On the face of the unanimous resolution passed on 16th and 17th May 1919, does not the resolution passed by a majority on 20-7-1919 stand self-condemned? The fundamental laws of public meetings in the whole civilized world do not permit this self-contradictory action of the School Board.

12. The leave register shows that Ganapati Jairam was on leave

(1) from 13-4 to 23-4-1918	11 days
(2) from 24-4 to 2-5-1918	9 days
(3) from 28-9 to 3-10-1918	4½ days
(4) from 18-10 to 23-10-1918	6 days
(5) on 30-12-1918	1 day
(6) from 18-2 to 21-2-1919	3 days.

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Total      34½ days.

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During the official year ending 31st March 1919 Ganapati Jairam enjoyed in all 34½ days of casual leave by the Head Master's utter disregard of the rules and interest of the Council.

13. I have inspected the salary bills of Mohapa school teachers for the months of April, May, September and October 1918 and except in the April salary bill of 1918, I find nowhere the leave of Ganpati Jairam having been written in the remarks column of the salary bills. In the remarks column of the salary bill for April 1918 only three days casual leave, namely 25th 26th and 27th April 1918 is noted by the Head Master against the name of Ganpati Jairam and it is further stated there that it was the only leave taken during the whole calendar year with School Committee's sanction although he (Ganpati Jairam) actually enjoyed 18 days leave. This remark of the Head Master on the salary bill for April 1918 overthrows or overthwarts the sub-committee's Report as regards the specific entries referred to for inquiry. A similar remark could not be found in May September and October 1918 salary bills although Ganpat Jairam enjoyed the so called marriage leave and influenza leave. The bills for the months of May, September and October 1918 did not show any deduction for the period of absence of Ganpati Jairam from duty with or without any leave from anybody authorised, nor was the fact of his absence noted therein or in the leave register although the head master of Mohapa was responsible for preparing correct and true salary bills for each month.

14. I have inspected the data of the District Council School masters prepared by the Deputy Inspector of Schools for the months of April and May 1918 and supplementary data for May 1918 and find nowhere the grant of leave to Ganpati Jairam during the months of April and May 1918.

15. I have perused the teachers' leave register and find that Ganpati Jairam was only granted leave for 3 days on 24th, 25th and 26th April 1918. The remark in column No. 6 shows that he resumed his duty on 27th April 1918 at 5 p. m. As he did not attend his duty the whole day on 27th April 1918 it should be regarded as leave without permission. This shows that he was absent for 4 days including 27th April 1918 whereas the leave register shows only

3 days leave. The leave register again shows that Ganpati Jairam was marked from 2 p. m. of 28th September 1918 to 7 a. m. of 3rd October 1918 ( $4\frac{1}{2}$  days) but the Head Master did not sign it in the remarks column No. 7 as provided therein. Ganpati Jairam was again marked sick from 7 a.m. of 18th October 1918 to 21st October 1918 (3 days) but column No. 7 was again left unfilled and unsigned in contravention of rules of the Educational Department. On going through the attendance register of Mohapa school for the months of September and October 1918, I find that Ganpati Jairam was marked sick, from 28th September to 30th September 1918 and from 18th October to 23rd October 1918. In the leave register Ganpati Jairam was shown sick from 28th September to 3rd October 1918 whereas the attendance register for October 1918 shows that he was present in school from 1st October to 3rd October 1918. Ganpati Jairam was marked present in the attendance register from 13th April 1918 to the end of that month although he was actually on leave. He was marked present in the attendance register on 30th December 1918 whereas the remark by Mr. Appa Rao Haide in the visitor's Book shows that he (Ganpati Jairam) was absent. All this disorder leads me to the conclusion that the Head Master did commit a serious dereliction of duty.

16. The sub-committee says in its report that an application was made by Ganpati Jairam for leave from 27th April to 2nd May 1918 to the Deputy Inspector of schools but it did not appear from the record whether the Deputy Inspector had granted the leave. It appears that the sub-committee did not go over the data supplied to the Council by the Deputy Inspector of schools for the months of April and May 1918. Had the Deputy Inspector granted any leave in April and May 1918 to Ganpati Jairam he would have surely specified the same in the data he supplied to the District Council for the months of April and May 1918. This fact clearly proves the imperfect and partial inquiry made by the sub-committee in this matter. On the face of the Deputy Inspector's data for April and May 1918 it is

nothing but fallacy to say that the leave from 27th April to 2nd May 1918 was presumably granted by the Deputy Inspector of Schools. This fact is in itself sufficient to discard the sub-committee's report as worthless.

17. Ganpati Jairam is an uncertificated teacher drawing Rs. 10 per month. Under article 208 of the Education Manual such uncertificated masters are considered as employed purely and simply as a temporary measure and as such he is not entitled to any examination leave or leave of any kind. As a special case, however, he could be granted casual leave provided it is due to him *with the previous sanction of the District Council.*

18. In the case of influenza leave, Ganpati Jairam's absence was not reported by the Head Master either to the Deputy Inspector of Schools or to the District Council. The Head Master knew very well that no leave was due to him in that year. He thought that Ganpati Jairam's pay would be deducted if he had reported the matter. Even assuming that such leave was granted by either the school committee or the Deputy Inspector, it was the head master's duty to show it in the salary bills for the months of September and October 1918 sub-mitted to the Council office. This appears to me a wilful neglect of duty.

19. It is stated by the Sub-committee that Ganpati Jairam was laid up with influenza from 28th September to 3rd October 1918 ( $4\frac{1}{2}$  days) and again from 18th October to 21st October 1918 (3 days). I have come across a number of influenza cases last year and did not find one man who could be able to move in  $4\frac{1}{2}$  days and 3 days as stated by the sub-committee. I came across patients suffering from the mildest form of influenza and they could only move about in not less than 10 to 15 days. I wonder how Ganpati Jairam could be free in  $4\frac{1}{2}$  days and 3 days. All this appears to me a pure concoction and I am not inclined to believe that he was really sick on those days.

20. Rule 18 of section D, at page 85 of District Council Manual lays down :—

"The school committee may give a teacher casual leave not exceeding three days, such leave, if taken, shall be reported by the Head Master to the Deputy Inspector."

"The Deputy Inspector may give a teacher casual leave not exceeding 10 days in any one year, subject to confirmation by the District Council."

Ganpati Jairam actually enjoyed 34½ days leave during the official year ending 31st March 1919; but except the 3 days leave in 1918 no other leave was either reported to the Deputy Inspector or to the District Council. It is as clear as noon day light that the sub-committee and the majority of School Board members present on 20th July 1919 were bent upon arbitrarily and favourably treating Bhargav Mahipat in spite of his culpable neglect of duty at Mohapa. I would here point out that in view of the explanation of Bhargav Mahipat dated 11th May 1919 and in view of the bills prepared and sent by him with his certificate as to the correctness of the statement contained therein, his acts clearly prove that he *did* commit a gross negligence of duty purely out of kindness and generosity to Ganpati Jairam.

21. Bhargav Mahipat has been in Mohapa for an unusually long period of over 11 years in one place and these deliberate and fragrant infractions of rules and orders are obviously due to the friendship he had contracted there. It is highly desirable in the public interests that he should no longer be kept in Mohapa. The mere reprimand is no punishment at all for his serious offence and the favour of retransfer to Mohapa ordered by the School Board on 20th July 1919 would not serve the best interests of the Council from disciplinary and efficient point of view. On the other hand this lenient treatment would tend to encourage his short-comings hereafter.

22. Under article 7 of section D, at page 82 of the District Council Manual, the proceedings of the School Board and the District Council in the matters of appointment, promotion, transfer within the District, grant of



leave of absence, fining, suspension, reduction and dismissal of teachers in District Council Schools are subject to revision by the Deputy Commissioner. When the proceedings of the Council go to him he is sure to notice the dissent of some of the members. The Council should, therefore, carefully consider the arbitrary, indiscreet and unwise decision of the School Board and arrive at a just and impartial decision in the public interests and in the interests of good name and repute of this premier Council for just and efficient management.

23. The question of transferring education as a whole to the charge of an Indian Minister is in the air. I warn the Council that such undue leniency towards Bhargav Mahipat would only tend to prove our incapacity and unfitness to manage education in any of its stages. To avoid such a charge I would earnestly appeal to the Council to uphold Bhargav Mahipat's transfer from Mohapa to Kindhali.

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# Speech delivered as President of Kamptee Postal Union.

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( Dated 27th March 1920.)

## Grievances of the Postal Staff.

LADIES AND GENTLEMEN,

As I am one of those who have often much to do with the post office, I was very eager to see whether there was any special mention about its growing in efficiency in the Imperial Council, or any sum sanctioned for the increase of pay to the subordinates of that department in the new budget. I was therefore very much interested in the resolutions and questions about postal matters put forth by the Hon'ble members and the hearty and warm support given them by all the non official members. Highest praise was given to this department some honourable member called it the 'ablest', and some referred to the labour and long attendance. And it was thought that this first and most public and cheapest of the Government Departments will offer to the actual workers a most liberal or first class scale of pay ( as is prevailing in the similar Government Secretariat offices or in the telegraph general time scale ) and thus compensate partly the losses and the hardships brought on the staff during the last six years by way of

- (1) abnormal rise in the prices of daily necessities of life and the poor war-allowance of 5 per cent from 1st November 1917 ;
- (2) abnormally heavy strain of work on account of war loan work ( of war bonds and cash certificates ) being thrown on the post office and on account of a large number of hands being utilised on field service.

The Director General also as usual said that the question of improving the pay of postal staff was always under his consideration and that lacs of Rupees were sanctioned last year and Rs. 23 lacs more sanctioned this year for this purpose, and that a sum of 84 lacs or more would be sanctioned in a few years. But at the same time it was clear from his speech that it was impossible to offer Telegraphist's time-scale to the postal staff as that class of officials had some special history and that work was highly technical. It would have been a revelation to the honourable members and to the public at large if he had kindly described these qualifications more clearly. To the ordinary man it is not clear. He decidedly thinks that telegraph only serves him as a most rapid means of communicating. It is just like sending a card or a letter with 12 annas excess cost to save time. The Telegraph has only one kind of Dummy service without money risk and is far inferior to the post which serves us in so many different ways—delivery, sorting, registration, parcel, V. P. Insurance (including Life insurance also), money order, Saving Bank, cash certificates, Postal orders, Government securities, sale of quinine, court-fee stamps, custom duties, war-bonds, salt revenue deceased depositors' claims, in addition to telegraph work. A telegraphist gets his work accumulated and kept ready at his table. Just like a mill hand he has to turn the work out on his machine. He does not attend the public. There are separate counter clerks who deal with the public at the windows, and look after delivery and receipt of telegrams. If the Telegraphist is a highly technical good man, it is very correct to say that a postal official—at least that man who is in charge of a post office at busy towns not less than a Taluka or Tahsil town is a highly practical and smart business man. On one side he is accepting money orders, insured articles worth thousands of rupees, and on the other, he is giving instructions to his postmen or other menials about delivery or classing mails, or to the half dozen men standing at the counter, each with a different kind of transaction—one customer asking for packets of commercial envelopes and

offering five rupees notes for the transaction : another asking to send his money order or his parcel free of customs charges to a city in China ; a third asking to transfer his Savings Bank's account along with his cash certificates and Government securities to Aberdeen, a fourth man offering a telegram for despatch to the Archipelego ; a fifth man inquiring why his letter from Branzil has taken so many days to reach him, and so on. Is not the knowledge of this official, who is expected to give prompt and correct information to the above members of the public and complete their business, highly technical ? Is not this service worthy of more remuneration than the so-called telegraphist who has not to stand such a test of the general public to be well up in many ways ? If Dummy telegraph was a highly technical work, why a typist, a cyclist, or a motorist should not say that his knowledge is highly technical and that he must be given Rs. 8 or 10 a day, if telegraphy was highly technical and worth a special time-scale ? Why it is not so in the case of postal signallers who do the same work in addition to their postal and non-postal duties ? Hundreds of men from the postal staff were deputed during war-time to work in place of telegraphists on field service and the annual reports show that they have worked ably and under great strain like others in that department. The Indian Railways have been managing their own telegraph branches and there the signallers are paid a special time-scale. If the D. G. can get a man on Rs. 15 or Rs. 25 from Madras and U. P. why was not this very argument thrown against the telegraphists who had just last month submitted a memorial for increase of pay etc., and as far as the newspaper reports go, the D. G. has considered it favourably and recommended it to the Government of India for sanction ? He has not then said that the telegraphists have turned round although every one of them has been getting annual increment of pay and many of them get the maximum pay of Rs. 200 and 150 and that he can get men from Madras and U. P. on Rs. 15 and 25 and replace them after a little training and make a large saving so as to work out one

common time-scale of pay for all staff viz. a telegraphist, a postal clerk, an R. M. S. man, or an audit office clerk or the clerks of the supervising officers—with special allowance for big cities and responsible posts. It is as strange and cruel that the D. G. should reply to the honourable members in that attitude. There is the undeniable fact that the Government and the public have unanimously given the first place to the postal Department as regards honesty, regularity, economy, usefulness, and well organised way of doing public business. Then why should the Government or the D. G. grudge paying a first class wage to the actual workers to maintain the efficiency and the good reputation of that department? The public all over India and the world are unanimous about this point—that the post office—which has the telegraph department as one of its subordinate branches just as the R. M. S. and the Audit office—is far superior to the telegraph. Of course the D. G. is right in saying that it is not possible to give substantial increase in pay to 1,000,000 men all at one. But if the Government have the will, they can certainly have the money. The total cost would not exceed the last three years' profits made by the Post and Telegraph departments (and  $\frac{2}{3}$ rd of the telegraph revenue and traffic is secured by the postal clerks) plus the savings made in the last ten or twelve years (say on an average of 4 lacs yearly) by way of abolition of the commission on sale of postage stamps.

Another mysterious point in the D. G.'s speech is that the Telegraph Department has a history and different conditions of service. So long as that department has come under the Post, that history cannot stand in the way of promotion of the Postal staff who have also a bright history behind them. It is also not understood how the conditions in the Telegraph service will change if that time-scale is extended to the Postal staff.

The financial results of the Post and Telegraph departments for the last two years show that there has been an annual surplus of about 1½ crores. If the Postal staff have

been waiting for some substantial increase in pay and status for these many years, it is not much if the Government do them the favour of utilising the surplus for two years and extending the time scale and other concessions offered to the telegraphists. I have taken pains to go through some annual reports and gradation lists, but have not found that any systematical increase in pay has been granted to these officials or the menial staff. Every year there is a mention about their good work, hard condition, increase of pay ; but the amount spent for this purpose is not stated ; and the necessary conclusion is that a very large portion of the sanctioned sums for increase of pay has been spent in giving more to those who had already got more as Hon'ble Dinsha Wacha nicely puts it. If that was not the case, the annual reports of the Government would have shown in a small statement ( covering a period of last 20 years or so ), proving that so much sum was spent in improving the pay of actual postal workers drawing pay from Rs. 8 to 200 and so much in improving the pay of officials drawing pay over Rs. 200. An increase of Rs. 10 or 20 to a large majority of clerks up to Rs. 100 will not improve the situation much, nor will it enable the clerks to meet the 130 percent. increase in prices.

I say from my personal knowledge that the Postal staff has to do the hardest work of all the Government departments. They are hardly allowed to enjoy Sunday or any other holidays. They are hardly granted privilege or any other leave. I know of instances in which the Post Masters and even postal clerks could hardly get leave although there were marriages of their daughters in their houses. The Indian Factory Act prescribed a period of eight hours a day for labourer ; whereas the postal staff is to work 12 hours a day. This fact establishes beyond all doubt that their condition is worse than that of a labourer. Discontent amongst the Post office employees is on the increase, and it is highly desirable that their grievances are immediately redressed. The post office employees are required to do very responsible and hard work. They are dreadfully underpaid and

overworked. So their case deserves a liberal and sympathetic consideration. In these circumstances I ask the Director General of Post offices in India to seriously ponder over their difficulties and grievances and immediately fix such time-scale salaries and overtime allowances as has been done in the other departments of Government in this Province. Then only their condition shall partially if not wholly be ameliorated.

In conclusion I would like to say that the claim of the postal staff for the best time-scale is stronger than that of the telegraphists ; that the reasons offered by the D. G. for withholding the same from the Postal staff appear most fallacious and unconvincing ; and that it is as much in the interest of the Government as it is in the interest of rate-payers—I mean the general public—that the Postal Staff's grievances, so far as pay is concerned, should be once for all satisfactorily removed and the service made attractive to the educated and intelligent persons who will certainly improve the efficiency of that Department. The Hon'ble Messrs. Khaparde and Sir Dinshaw Wacha clearly hinted at the fact that the hard conditions of the staff were making them desparte, and would result in strikes and such other calamities. Ahmedabad postmen have just struck work, and the result of such strikes is unbearable and painful inconvenience and immense loss amounting to crores of rupees to the business-men and the general public. Thus the real sufferers are not the Government but always the public who have a right to say, in the words of Sir Dinshaw Wacha that "the whole affair was discreditable to the Government who must pay and pay well".

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# Letter to the Electorate of Nagpur-Ramtek Tahsils.

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(Dated 1st May 1920)

DEAR SIR.

You must have learnt from an announcement in the Hitavada of the 17th April 1920 and the Maharashtra dated the 21st April 1920 that I offer myself as a candidate at the forthcoming election of a member for the C. P. Legislative Council on behalf of Nagpur-Ramtek Tahsils constituency which will be held about November next. Before venturing to request you for your support towards my candidature, I would ask you to kindly peruse the pamphlet, which I take the liberty to send to you under separate cover to-day. I am sure it will give you an idea as to the views which I hold on some of the most important questions of the day, particularly the question of agrarian legislation in these provinces, to the study of which, you now know from the pamphlet, I have given special attention during the last one decade.

2. It is difficult to define exactly what qualifications are required of a candidate for election. But opinion is fairly agreed that besides the ability and the desire, a willingness to devote one's whole attention to the work, honorary yet onerous, is necessary. A candidate must also be willing to profit by the opinion of the constituents and above all, he must have a spirit of moderation and a due sense of responsibility and readiness to undergo a reasonable amount of self-sacrifice, if a representative is to do full and adequate justice to the trust that will be reposed in him by the electors.

3. Should you honour me with your trust and confidence and enable me to get duly elected, I can assure you that I will do my best to rise equal to the occasion and use



**the opportunities honestly and fearlessly, with the sole view of promoting and safe-guarding the interests of my constituents.**

4. In offering myself as a candidate, now, I am solely guided by a strong and sincere desire to serve the country faithfully and honestly and to reflect the opinion of my electors on all matters affecting their interests.

5. I trust you will give your favourable consideration to my request by not only giving your own vote to me but also assisting me with those of your brother-voters, by which you will enable me to have the opportunity which I seek at your hands.

6. It would not be out of place for me to mention here that the time has now come when you must organize and must take full advantage of the little power that is placed in your hands by electing the very best men amongst you and see that they represent you fully in the Council. Your representative must be a man of prudence and courage, of experience and education, possessed of sympathy and knowledge of your wants and requirements; he must be your fearless advocate, the indomitable champion of your rights and the unswerving representative of the people. Do not elect a man as your representative merely because he is of your caste or of your creed or of your neighbourhood. for if you will accept such a man he can not give you the lead, the proper and wise lead you need. A leader must be possessed of some originality. He must possess a driving power, he must be dauntless and he must be prepared to make sacrifices and must advocate your cause at all hazards. He must not abate his advocacy because it is unpalatable to Government. He must fear only one thing and that is his own conscience.

7. Swamy Shradhanand is an important figure in Indian life and exercises a great influence amongst our countrymen. Recently he has written an interesting letter through the Indian Press to his fellowcountrymen. He closes his letter with the following stirring appeal to his countrymen to use

aright the new power of the franchise which is coming to them :—

“ At the end, I have one appeal to make to those who will have the good luck to get the power of voting for the return of members to the reformed Legislative Councils of the future. There are different political societies in the country, and they are inducing you to return members who would support their different propaganda. But whether you return a Liberal, Moderate or Home Ruler, a Tilakite or a Besantite, a titleholder or a Congressman, do keep one great truth in view. If you vote for a man who is sexually impure, is a miser, a hypocrite, a prey to passions, or is addicted to any one of the five great vices enumerated by the ancient Indian Lawgivers, the change in your political emancipation will be a change in name only. Therefore, I earnestly implore, in the name of Truth and the Motherland all voters to vote for men of sterling moral character whom no smile of Kama or Moha or Lobha will be able to lead astray from the path of Truth and Justice. With prayers for his blessings on the future of the Motherland.”

8. I do therefore confidently hope and trust that you would give your deep and thoughtful consideration to the standard of tests laid down by Swami Shradhananda and vote for such candidate as would come to that criterion.

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# **Petition to The Right Honourable His Majesty's Principal Secretary of State for India, Whitehall, London.**

*( Dated 4th May 1920 ).*

**SIR,**

I have the honour, by direction of the inhabitants of Kamptee of the Central Provinces in India, to forward for the consideration of His Majesty's Secretary of State for India and the Joint Parliamentary Committee on Indian affairs the following representation for the allotment of one seat specially for the town of Kamptee in the Central Provinces Legislative Council under the Reforms Scheme.

2. The Cantonment of Kamptee was established under Brigadier General Adams in the year 1821. Since its very inception in the year 1821 till the year 1886 Municipal affairs were managed satisfactorily by the people themselves. For reasons unknown to the inhabitants of Kamptee, the Municipality was abolished in the year 1886 and our local affairs began to be administered by the Cantonment Committee which is mainly composed of Military officers and a few Indians who are nominated by the General Officer, Commanding the Division. The annual revenue of Kamptee is a little over one lac of rupees mainly contributed by the Indian population. The inhabitants of Kamptee submitted three memorials to the Hon'ble the Chief Commissioner (one in the year 1890, the second in the year 1899 and the third in 1919) but they were rejected on unsound reasons.

3. Since the establishment of Cantonment Committee in the year 1886, the Civil population of Kamptee was placed under an autocratic military rule and the Indian population of Kamptee have innumerable complaints and grievances against such despotic rule.

4. With a view to place our grievances before the Government and to get them redressed, it is essential that

the town of Kamptee shall be specially allotted one seat in the Central Provinces Legislative Council. Lord Southborough's Committee was pleased to allot two seats for the joint constituency of Kamptee and Nagpur, but as the town of Nagpur consists of overwhelming majority of voters, it would for ever be a dream for Kamptee people to elect their representative from amongst themselves. The inhabitants of Kamptee apprehend that they will ever be dominated by Nagpur candidates and their grievances will ever remain unredressed.

5. Under these circumstances, I, on behalf of the inhabitants of Kamptee, pray that the town of Kamptee may be specially allotted one seat in the Central Provinces Legislative Assembly either by increasing the number of seats in the said Council or out of the two seats now fixed, one be allotted to Kamptee and the other to the town of Nagpur. In this connection I beg to draw your attention to Section 7 (2), Proviso (a) of the Government of India Act of 1919 which lays down "subject to the maintenance of the above proportions, rules under the Principal Act may provide for increasing the number of members' of any council, as specified in that schedule."

This part of the Act gives sufficient power to the Government of India to increase the number of seats.

6. When this seat is conceded it would be essential to increase the number of electors. For this purpose my humble suggestion is that the franchise be reduced in the Kamptee constituency to increase the number of electors. It may be argued that the electorate of Kamptee is very small. But considering the small electorate of C. P. and Berar Mining Association which consists only of 16 members, the town of Kamptee may be safely allotted one seat.

7. As an alternative I beg to suggest that the franchise may be reduced in Kamptee and they may be permitted to have cumulative vote as is conceded to the town of Bombay in paragraph 14 of Lord Southborough's Committee. This concession partially, if not wholly, meets with the desire of Kamptee people.

**Petition to the Right Honourable  
His Majesty's Principal Secretary  
of State for India, Whitehall  
London.**

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( *Dated the 4th May 1920.* )

**SIR,**

I have the honour, by direction of the small mine-owners of Central Provinces, to forward for the consideration of His Majesty's Secretary of State for India and the Joint Parliamentary Committee on Indian affairs the following representation for the enfranchisement of the small mine-owners in the mining Constituency of Central Provinces.

2. Lord Southborough's Committee recommended one seat in the Central Provinces Legislative Council to be elected by a handful of members of the C. P. and Berar Mining Association. The total number of electors of this Association is 16 of whom several members belong to the same firm and there are some members of the Association who have no mining interests at all in this Province. Besides the above there are a number of small mine-owners who are working manganese and coal mines in the Province whose names shall be excluded from the electoral roll of the Mining Constituency for the simple reason that they are not the members of the said Association. This omission, in my opinion, is a serious draw-back and deprives the bona fide mine-owners of their franchise. This exclusion of small mine-owners further confirms the presumption that the C. P. and Berar Mining Association does not represent the Mining Interests of the whole Province.

3. I, on behalf of the small mine-owners, represented the matter to the Hon'ble the Chief Commissioner of the

Central Provinces ; but he sees no reason to enfranchise the small mine owners for the reason that they are not members of the said Association. This decision inflicts an incalculable wrong on small mine owners. When such grave injustice was brought to the notice of the Honourable the Chief Commissioner, he could have exercised his discretion and enfranchised the small mine-owners. Lord Southborough's Committee in the concluding portion of paragraph 23 of its report clearly laid down " We have recommended safeguards against the abuse of the method of election through associations by proposing that the regulations for elections should in each case be approved by the Governor in Council, who will further have authority to modify the system of representation in order to meet any alteration in the position or constitution of the different associations. The regulations should contain provision for ensuring that all electors have a place of business within the province ". This part of the report sufficiently empowers the Honourable the Chief Commissioner to enfranchise all the mine-owners in the provinces in order to thoroughly make it of a representative character. The members of the C. P. and Berar Mining Association do not represent the Province as a whole and therefore the franchise should not be restricted to its members alone.

4. The C. P. Government did not invite the small mine-owners to put their case before Lord Southborough's Committee. It is why their interests have been entirely overlooked by the Franchise Committee and an *exparte* decision was passed against them. When this grave injustice and omission was brought to the notice of the Hon'ble the Chief Commissioner, he could have repaired this wrong caused to small mine-owners, but it appears as he had already submitted his final franchise proposals to the Government of India, he could do nothing in the matter to thoroughly make the mining constituency of a representative character. A handful of members of the C. P. and Berar Mining Association can on no account be a representative body. It would deprive them of their political right if they were

not enfranchised. It has come to my knowledge that some of the prominent mine-owners shall be excluded from the electoral roll of Mining Constituency if the franchise is not enlarged to all mine-owners. They were not informed beforehand that their interests would be totally ignored if they were not members of C.P. and Berar Mining Association.

In these circumstances, I, on behalf of the small mine-owners, crave your indulgence to sympathetically and thoughtfully consider this just grievance and enfranchise all mine-owners who are not members of the C. P. and Berar Mining Association and order their names to be entered in the electoral roll of the Mining Constituency of this Province.

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# Petition to His Majesty's Principal Secretary of State for India, Whitehall, London.

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*(Dated the 6th May 1920).*

SIR,

I have the honour to forward for his Majesty's Secretary of State for India and the Joint Parliamentary Committee on Indian affairs the following representation.

2. Under section 7 (2) and schedule first of the Government of India Act, the C. P. Legislative Council shall consist of 70 members plus two official or non-official expert members; but proviso (a) to section 7 (2) lays down "subject to the maintenance of the above proportions, rules under the Principal Act may provide for increasing the number of members of any Council, as specified in that schedule."

In this connection the recommendations of the Joint Parliamentary Committee in paragraph 7 under clause 7 and 7 (a) of the Government of India Bill are "The Committee have altered the first schedule to the Bill, so as to show only the total strength of the Legislative Council in each province. They have retained the provision, now in sub-clause (2), that at least 70 per cent of the members shall be elected, and not more than 20 per cent shall be officials. The general stipulation will govern the distribution of the seats in each province, but in certain respects the detailed arrangements will require further consideration, and proposals should be called for from the Government of India in regard to them. The points in question, as well as some disputable matters on which the Committee wish to endorse the proposals of the Franchise Committee's report, are dealt with in the following recommendations :—

- (a) The Committee regard the number of seats allotted to the rural population, as distinct from the urban, as disproportionately low, and consider that it should receive a larger share of representation. They also think



that an attempt should be made to secure better representation of the urban wage-earning class, and they are convinced that an effort should be made to remedy in part at least the present disparity between the size of the electorate in the different provinces. In all those matters no definite instructions need be given. The Government of India should be left a wide discretion in adjusting the figures, subject, however, to the understanding that the adjustment should be effected in all cases rather by enlargement than by diminution of the representation proposed in the Franchise Committee report."

3. The Honourable the Chief Commissioner of the Central Provinces published in the C. P. Gazette dated 24th April 1920, his final proposals submitted to the Government of India for the composition and formation of constituencies of the reformed Legislative Council, but none of the recommendations of the Joint Parliamentary Committee find a place in them. The number of seats to the rural population is not increased. The district of Nagpur (the Premier District of the Central Provinces) requires more number of seats for the rural population considering its historical importance. What I propose, on behalf of the rural population, is that they should get a representation proportional to their population and taxation. They form nine-tenths of the population and pay 9/10ths of the taxes also. Specially the District of Nagpur is the most enlightened district in the Central Provinces. It contains lots of trades, industries and commerce. Taking into consideration such important factors, the District of Nagpur shall at least be allotted 5 seats to the rural population i. e. one seat in the Legislative Council for each Tahsil of Nagpur, Ramteak, Katol, Umarer and Saoner. This allotment partially, if not wholly, meets with the recommendations of the Joint Parliamentary Committee referred to above.

4. The recommendations of the Joint Parliamentary Committee in regard to the wage earning class is entirely overlooked. They have not been even enfranchised by the Local Government. The Districts of Nagpur, Bhandara,

Balaghat, Chanda and Chhindwara are endowed with immense mineral wealth. Millions of tons of manganese ore have been supplied for war purposes during the recent war. There are thousands of the wage-earning class in these districts working in mills, gins, factories, manganese and coal mines. My humble suggestion is that the District of Nagpur shall be at least allotted two seats to represent the wage-earning class and the districts of Bhandara, Balaghat, Chhindwara and Chanda shall be allotted one seat each. I may point out here that the Local Government of this province has maintained the figure in the first schedule of the Act in tact. This does not seem to be a fair allocation of seats as desired by the Joint Parliamentary Select Committee.

5. I would now come to the residential qualifications as fixed by Lord Southborough's Committee which fixed actual residential qualifications in the constituency for the Provinces of Bombay, Central Provinces and Punjab in paragraph 29 of their report and the Joint Parliamentary Committee in paragraph 7 under clause 7 (b) laid down "The compromise suggested by the Franchise committee in respect of the residential qualifications of candidates for Legislative Councils, whereby the restriction was to be imposed only in the provinces of Bombay, the Punjab and the Central Provinces, may be accepted." In the rural areas of Nagpur District there is no dearth of candidates residing in the rural constituency. In spite of the recommendations of Lord Southborough's Committee and accepted by the Joint Parliamentary Committee, the Honourable the Chief Commissioner of the Central Provinces relaxed the rigidity of residential qualification to almost nullity. My request is that actual residence in the rural areas should be rigidly followed in the Nagpur district where there are candidates available in the rural constituencies.

6. As I have already by separate representation dealt with the qualifications of electors in the Mining Constituency, I need not dilate on that subject here.

7. Explanation V published in the Central Provinces Gazette dated the 24th April 1920 reads

"No elector shall be entered in the electoral roll of more than one territorial constituency, but an elector whose name appears in the electoral roll of a territorial constituency shall be entered also in the electoral rolls of Landholders, Mining and Commerce and Industry constituencies for which he is qualified." It appears to me that the aforesaid explanation contradicts the recommendations of Lord Southborough Committee's report as contained in paragraph 14 which reads "When an elector is entitled to a vote in one or more of such constituencies, he will also be allowed, in addition, to exercise his vote in one general or communal constituency." I therefore request that this unnecessary restriction as conveyed in explanation 5 be removed and the elector's name be included in all the electoral rolls for which he is eligible.

8. As regards the qualifications of electors in Landholder's constituencies in the Central Provinces, I beg to submit that the word "*Landholder*" means a *Malguzar*. One of the qualifications of an elector for this constituency is the payment of land revenue of not less than Rs. 3,000/-. This is a very high qualification. In the two divisions of Nagpur and Chhattisgarh, I do not think that this constituency will consist of more than 200 voters. This number of voters is very small when compared with the number of voters of other constituencies. In order to keep the electorate uncontrollable and uninfluenced, I would suggest that every *malguzar* who pays a land revenue of not less than Rs. 700/- per annum should be qualified to become an elector of this constituency.

9. I would further suggest that five seats shall be allotted to the Landholders constituency, one for each division of Nagpur, Chhattisgarh, Jubbulpore, Nerbada and Berar. The Legislative Council of the Central Provinces will then be composed of a fair representation and all will be satisfied with this arrangement for the first ten years.

10. In the first schedule of the Government of India Act of 1919, 125 members were allotted to Bengal and 118 to the United Provinces Legislative Council. Now in the redistribution of seats, the Bengal Government raised

the number from 125 to 142 and the United Provinces Government from 118 to 123 after carefully considering the representation of the people concerned. In our province the rules were only published a fortnight ago and those rules were the final proposals of the Chief Commissioner, and we therefore thought it fruitless to approach him on the subject. Although ample discretion was given to the Government of India by the Joint Parliamentary Committee and by proviso (a) to section 7 (a) of the Government of India Act of 1919, our Local Government was immobile in the matter.

For the foregoing reasons, we pray that His Majesty's Government and Parliament will be pleased to concede the just and reasonable demands herein set forth in framing and sanctioning the rules for the Central Provinces.





